

## **BILL ANALYSIS**

Senate Research Center  
85R10399 KFF-D

S.B. 1743  
By: Zaffirini  
Health & Human Services  
4/3/2017  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Created in 1989, the Texas Office for Prevention of Developmental Disabilities (TOPDD) promotes children's safety and health by educating Texans about preventable injuries and prenatal alcohol exposure that cause disabilities. It has been attached administratively to the Health and Human Services Commission (HHSC), allowing it to be independent in its efforts and provide objective input on HHSC's work relating to preventing injuries that cause disabilities. As directed by Sunset legislation, TOPDD is set to be eliminated by September 1, 2017, and its functions consolidated into HHSC. There are concerns that without dedicated funding and staff, the functions and work of TOPDD would also be eliminated.

S.B. 1743 would preserve TOPDD and the work done therein by transferring it to The University of Texas at Austin. What's more, it would enhance the ability of the office to attract funders, because the type of funders who traditionally fund this work typically support it at a university level. The private funds already raised by TOPDD would transfer with the office.

As proposed, S.B. 1743 amends current law relating to transferring the Office for the Prevention of Developmental Disabilities to The University of Texas at Austin.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Office for the Prevention of Developmental Disabilities is transferred to The University of Texas at Austin in SECTION 6 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 531.0202(b), Government Code, as follows:

(b) Provides that the Department of Aging and Disability Services (DADS), rather than DADS and the Office for the Prevention of Developmental Disabilities (TOPDD) is abolished on a date that is within the period prescribed by Section 531.02001(2) (relating to the deadlines for the final transfers of health and human services system functions), that is specified in the transition plan required under Section 531.0204 (Transition Plan for Implementation of Consolidation) for the abolition of DADS, and that occurs after all of DADS's functions have been transferred to the Health and Human Services Commission (HHSC) in accordance with Sections 531.0201 (Phase One: Initial Transfers) and 531.02011 (Phase Two: Final Transfers to Commission). Makes conforming changes.

SECTION 2. Amends Chapter 67, Education Code, by adding Subchapter E, and adding a heading to that subchapter, to read as follows:

#### **SUBCHAPTER E. OFFICE FOR THE PREVENTION OF DEVELOPMENTAL DISABILITIES**

SECTION 3. Amends Sections 112.041, 112.042, 112.043, 112.044, 112.047, 112.0471, 112.0472, 112.048, 112.049, 112.050, and 112.051, Human Resources Code, by transferring those sections to Subchapter E, Chapter 67, Education Code, as added by this Act, redesignating

them as Sections 67.81, 67.82, 67.83, 67.84, 67.85, 67.86, 67.87, 67.88, 67.89, 67.90, and 67.91, Education Code, respectively, and amending them, as follows:

Sec. 67.81. PURPOSE AND POLICY. Sets forth the legislative purpose and findings in this subchapter, rather than Act.

Sec. 67.82. DEFINITIONS. Redefines "developmental disability" and deletes existing Subdivisions (1), (1-b), and (2) defining "commission," "executive commissioner," and "executive committee." Redesignates existing Subdivisions (1-a) and (3) as Subdivisions (1) and (2).

Sec. 67.83. New heading: OFFICE FOR THE PREVENTION OF DEVELOPMENTAL DISABILITIES. Provides that TOPDD is established under and administered by The University of Texas at Austin (UT-Austin). Deletes existing designation of Subsection (a). Deletes text of existing Subsections (b) and (c) requiring HHSC to take certain actions and providing that certain staff are employees of TOPDD and not of HHSC.

Sec. 67.84. DUTIES. Requires TOPDD, among certain other duties, to work with appropriate state agencies and other entities, rather than appropriate divisions within HHSC, state agencies, and other entities, to develop a coordinated long-range plan to effectively monitor and reduce the incidence or severity of development disabilities; monitor and assess the effectiveness of state agencies, including HHSC, in preventing developmental disabilities; recombined the role each state agency should have with regard to prevention of developmental disabilities; and facilitate coordination of state agency prevention services and activities among appropriate state agencies. Makes conforming changes.

Sec. 67.85. New heading: DIRECTOR. Changes references to executive committee of TOPDD (executive committee) to the board of regents of The University of Texas System (board) and references to the executive director to the director.

Sec. 67.86. QUALIFICATIONS AND STANDARDS OF CONDUCT. Makes conforming changes.

Sec. 67.87. EQUAL EMPLOYMENT OPPORTUNITY POLICIES. Makes conforming changes.

Sec. 67.88. PREVENTION PROGRAMS FOR TARGETED DEVELOPMENTAL DISABILITIES. Changes references from executive committee to TOPDD and makes conforming changes.

Sec. 67.89. EVALUATION. Makes conforming changes.

Sec. 67.90. GRANTS AND OTHER FUNDING. (a) to (c) Makes conforming changes.

(d) Requires UT-Austin, rather than HHSC, to support TOPDD fund-raising efforts authorized by this subsection. Provides that funds raised under this subsection are administered by UT-Austin and authorizes the funds to only be spent in furtherance of a duty or function of TOPDD or in accordance with rules applicable to TOPDD. Requires UT-Austin to maintain a separate accounting of funds raised under this subsection.

Sec. 67.91. REPORTS TO LEGISLATURE. Makes a conforming change.

SECTION 4. Amends Section 22.04(c)(3), Penal Code, to redefine "disabled individual."

SECTION 5. Repealer: Sections 112.0421 (Applicability and Expiration of Certain Provisions), 112.0431 (Administration of Subchapter; Certain References), 112.045 (Executive Committee), 112.0451 (Conflict of Interest), 112.0452 (Removal of Executive Committee Member), 112.0453

(Executive Committee Member Training), 112.0454 (Public Access), and 112.046 (Board of Advisors), Human Resources Code.

Repealer: Heading to Subchapter C (Prevention of Developmental Disabilities), Chapter 112 (Developmental Disabilities), Human Resources Code.

SECTION 6. (a) Provides that, on the effective date of this Act, TOPDD is abolished as an independent office and is transferred to UT-Austin as a program; the executive committee and the board of advisors of TOPDD (board of advisors) are abolished; the position of executive director of TOPDD is abolished, but the board is authorized to hire the person serving as the executive director immediately before the effective date of this Act for a position in TOPDD; an employee of TOPDD becomes an employee of UT-Austin; all money, including gifts, donations, and grants of money, contracts, leases, rights, and obligations of TOPDD are transferred to UT-Austin; all property, including records, in the custody of TOPDD becomes the property of UT-Austin; all funds appropriated by the legislature to TOPDD are transferred to UT-Austin; and all functions and activities performed by TOPDD are transferred to UT-Austin.

(b) Provides that the validity of an action taken by TOPDD or the executive committee or board of advisors before the effective date of this Act is not affected by the abolishment of TOPDD.

(c) Provides that a rule, form, policy, procedure, or decision of TOPDD or HHSC that is related to TOPDD is continued in effect as a rule, form, policy, procedure, or decision of The University of Texas System until superseded by a rule, form, policy, procedure, or decision of the system.

(d) Provides that any action or proceeding pending before TOPDD on the effective date of this Act becomes an action or proceeding before UT-Austin.

SECTION 7. Effective date: August 31, 2017.