

## **BILL ANALYSIS**

H.B. 1760  
By: Darby  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Department of Aging and Disability Services (DADS) is the result of the consolidation of several legacy agencies. Interested parties assert that, prior to consolidation, each legacy agency had a unique policy set out in statute that allowed the agency to accept donations of money, goods, and in-kind donations for the benefit of the agency's clients. Because DADS is currently operating under these outdated policies regarding the authority to accept donations, H.B. 1760 seeks to create a uniform and consistent donation policy for DADS.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

H.B. 1760 amends the Human Resources Code to authorize the Department of Aging and Disability Services (DADS) to accept gifts and grants of money, personal property, and real property from public or private sources to expand and improve the human services programs for the aging and disabled available in Texas. The bill requires DADS to use such a gift or grant made for a specific purpose in accordance with the purpose expressly prescribed by the donor. The bill authorizes DADS to decline the gift or grant if DADS determines that it cannot be economically used for that purpose. The bill requires DADS to keep a record of each gift or grant in the department's central office in the city of Austin. The bill repeals provisions relating to the authorization of DADS and the Health and Human Services Commission to solicit and accept certain gifts and grants.

H.B. 1760 repeals Sections 22.001(f) and 101.026, Human Resources Code.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.