

1-1 By: Zaffirini S.B. No. 1743
 1-2 (In the Senate - Filed March 9, 2017; March 23, 2017, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 18, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 3; April 18, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11		X		
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16		X		
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1743 By: Uresti

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to transferring the Office for the Prevention of
 1-22 Developmental Disabilities to The University of Texas at Austin and
 1-23 renaming the office the Office for Healthy Children.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 531.0202(b), Government Code, is amended
 1-26 to read as follows:

1-27 (b) The Department of Aging and Disability Services is
 1-28 ~~[following state agency and entity are]~~ abolished on a date that is
 1-29 within the period prescribed by Section 531.02001(2), that is
 1-30 specified in the transition plan required under Section 531.0204
 1-31 for the abolition of the department ~~[state agency or entity]~~, and
 1-32 that occurs after all of the department's ~~[state agency's or~~
 1-33 ~~entity's]~~ functions have been transferred to the commission in
 1-34 accordance with Sections 531.0201 and 531.02011~~[-~~

1-35 ~~[(1) the Department of Aging and Disability Services;~~
 1-36 ~~and~~

1-37 ~~[(2) the Office for the Prevention of Developmental~~
 1-38 ~~Disabilities].~~

1-39 SECTION 2. Chapter 67, Education Code, is amended by adding
 1-40 Subchapter E, and a heading is added to that subchapter to read as
 1-41 follows:

1-42 SUBCHAPTER E. OFFICE FOR HEALTHY CHILDREN

1-43 SECTION 3. Sections 112.041, 112.042, 112.043, 112.044,
 1-44 112.047, 112.0471, 112.0472, 112.048, 112.049, 112.050, and
 1-45 112.051, Human Resources Code, are transferred to Subchapter E,
 1-46 Chapter 67, Education Code, as added by this Act, redesignated as
 1-47 Sections 67.81, 67.82, 67.83, 67.84, 67.85, 67.86, 67.87, 67.88,
 1-48 67.89, 67.90, and 67.91, Education Code, respectively, and amended
 1-49 to read as follows:

1-50 Sec. 67.81 ~~[112.041]~~. PURPOSE AND POLICY. (a) The purpose
 1-51 of this subchapter ~~[Act]~~ is to minimize the economic and human
 1-52 losses in Texas caused by preventable disabilities through the
 1-53 establishment of a joint private-public initiative called the
 1-54 Office for Healthy Children ~~[the Prevention of Developmental~~
 1-55 ~~Disabilities]~~.

1-56 (b) The legislature finds there is a strong need for a
 1-57 unified, comprehensive prevention effort in the State of Texas.
 1-58 Many state agencies, as well as private organizations and local
 1-59 public agencies, are involved in prevention activities that can
 1-60 reduce the incidence and severity of developmental disabilities.

2-1 However, a coordinated statewide plan that identifies and
2-2 consolidates research findings and prevention activities has yet to
2-3 be developed.

2-4 (c) The legislature further finds that by establishing a
2-5 mechanism by which prevention activities can be better coordinated
2-6 and needed prevention programs can be initiated, the State of Texas
2-7 will be making an important investment in Texas's future.

2-8 Sec. 67.82 [~~112.042~~]. DEFINITIONS. In this subchapter:

2-9 (1) [~~"Commission" means the Health and Human Services
2-10 Commission.~~

2-11 [~~(1-a)~~] "Developmental disability" means a severe,
2-12 chronic disability that:

2-13 (A) is attributable to a mental or physical
2-14 impairment or to a combination of a mental and physical impairment;

2-15 (B) is manifested in a person before the [~~a~~]
2-16 person reaches the age of 22;

2-17 (C) is likely to continue indefinitely;

2-18 (D) results in substantial functional
2-19 limitations in three or more major life activities, including:

2-20 (i) self-care;

2-21 (ii) receptive and expressive language;

2-22 (iii) learning;

2-23 (iv) mobility;

2-24 (v) self-direction;

2-25 (vi) capacity for independent living; and

2-26 (vii) economic sufficiency; and

2-27 (E) reflects the person's needs for a combination
2-28 and sequence of special interdisciplinary or generic care,
2-29 treatment, or other lifelong or extended services that are
2-30 individually planned and coordinated.

2-31 (2) [~~(1-b) "Executive commissioner" means the
2-32 executive commissioner of the Health and Human Services Commission.~~

2-33 [~~(2) "Executive committee" means the executive
2-34 committee of the Office for the Prevention of Developmental
2-35 Disabilities.~~

2-36 [~~(3)~~] "Office" means the Office for Healthy Children
2-37 [~~the Prevention of Developmental Disabilities~~].

2-38 Sec. 67.83 [~~112.043~~]. OFFICE FOR HEALTHY CHILDREN [~~THE
2-39 PREVENTION OF DEVELOPMENTAL DISABILITIES; ADMINISTRATIVE
2-40 ATTACHMENT~~]. [~~(a)~~] The Office for Healthy Children [~~the
2-41 Prevention of Developmental Disabilities~~] is established under and
2-42 administered by [~~administratively attached to~~] the university
2-43 [Health and Human Services Commission].

2-44 [~~(b) The Health and Human Services Commission shall:~~

2-45 [~~(1) provide administrative assistance, services, and
2-46 materials to the office;~~

2-47 [~~(2) accept, deposit, and disburse money made
2-48 available to the office;~~

2-49 [~~(3) accept gifts and grants on behalf of the office
2-50 from any public or private entity;~~

2-51 [~~(4) pay the salaries and benefits of the executive
2-52 director and staff of the office;~~

2-53 [~~(5) reimburse the travel expenses and other actual
2-54 and necessary expenses of the executive committee, executive
2-55 director, and staff of the office incurred in the performance of a
2-56 function of the office, as provided by the General Appropriations
2-57 Act;~~

2-58 [~~(6) apply for and receive on behalf of the office any
2-59 appropriations, gifts, or other money from the state or federal
2-60 government or any other public or private entity, subject to
2-61 limitations and conditions prescribed by legislative
2-62 appropriation;~~

2-63 [~~(7) provide the office with adequate computer
2-64 equipment and support; and~~

2-65 [~~(8) provide the office with adequate office space and
2-66 permit the executive committee to meet in facilities of the
2-67 commission.~~

2-68 [~~(c) The executive director and staff of the office are
2-69 employees of the office and not employees of the Health and Human~~

3-1 ~~Services Commission.]~~
 3-2 Sec. 67.84 [~~112.044~~]. DUTIES. The office shall:
 3-3 (1) educate the public and attempt to promote sound
 3-4 public policy regarding the prevention of developmental
 3-5 disabilities;
 3-6 (2) identify, collect, and disseminate information
 3-7 and data concerning the causes, frequency of occurrence, and
 3-8 preventability of developmental disabilities;
 3-9 (3) work with appropriate [~~divisions within the~~
 3-10 ~~commission,]~~ state agencies[~~7~~] and other entities to develop a
 3-11 coordinated long-range plan to effectively monitor and reduce the
 3-12 incidence or severity of developmental disabilities;
 3-13 (4) promote and facilitate the identification,
 3-14 development, coordination, and delivery of needed prevention
 3-15 services;
 3-16 (5) solicit, receive, and spend grants and donations
 3-17 from public, private, state, and federal sources;
 3-18 (6) identify and encourage establishment of needed
 3-19 reporting systems to track the causes and frequencies of occurrence
 3-20 of developmental disabilities;
 3-21 (7) develop, operate, and monitor programs created
 3-22 under Section 67.88 [~~112.048~~] addressing the prevention of specific
 3-23 targeted developmental disabilities;
 3-24 (8) [~~monitor and assess the effectiveness of divisions~~
 3-25 ~~within the commission and of state agencies in preventing~~
 3-26 ~~developmental disabilities,~~
 3-27 [~~9~~] recommend the role each [~~division within the~~
 3-28 ~~commission and each~~] state agency should have with regard to
 3-29 prevention of developmental disabilities;
 3-30 (9) [~~10~~] facilitate coordination of state agency
 3-31 prevention services and activities [~~within the commission and~~
 3-32 among appropriate state agencies; and
 3-33 (10) [~~11~~] encourage cooperative, comprehensive, and
 3-34 complementary planning among public, private, and volunteer
 3-35 individuals and organizations engaged in prevention activities,
 3-36 providing prevention services, or conducting related research.
 3-37 Sec. 67.85 [~~112.047~~]. [~~EXECUTIVE~~] DIRECTOR. (a) The
 3-38 president of the university or the president's designee [~~executive~~
 3-39 ~~committee~~] may hire a [~~an executive~~] director to [~~serve as the chief~~
 3-40 ~~executive officer of the office and to~~] perform the administrative
 3-41 duties of the office.
 3-42 (b) The [~~executive~~] director serves at the will of the
 3-43 president of the university or the president's designee [~~executive~~
 3-44 ~~committee~~].
 3-45 (c) The [~~executive~~] director may hire staff within
 3-46 guidelines established by the president of the university or the
 3-47 president's designee [~~executive committee~~].
 3-48 Sec. 67.86 [~~112.0471~~]. QUALIFICATIONS AND STANDARDS OF
 3-49 CONDUCT. The [~~executive~~] director or the [~~executive~~] director's
 3-50 designee shall provide to the president of the university or the
 3-51 president's designee [~~members of the executive committee~~] and to
 3-52 employees of the office, as often as necessary, information
 3-53 regarding the requirements for office or employment under this
 3-54 subchapter, including information regarding a person's
 3-55 responsibilities under applicable laws relating to standards of
 3-56 conduct for state officers or employees.
 3-57 Sec. 67.87 [~~112.0472~~]. EQUAL EMPLOYMENT OPPORTUNITY
 3-58 POLICIES. (a) The [~~executive~~] director shall prepare and maintain
 3-59 a written policy statement that implements a program of equal
 3-60 employment opportunity to ensure that all personnel decisions are
 3-61 made without regard to race, color, disability, sex, religion, age,
 3-62 or national origin.
 3-63 (b) The policy statement must include:
 3-64 (1) personnel policies, including policies relating
 3-65 to recruitment, evaluation, selection, training, and promotion of
 3-66 personnel, that show the intent of the office to avoid the unlawful
 3-67 employment practices described by Chapter 21, Labor Code; and
 3-68 (2) an analysis of the extent to which the composition
 3-69 of the office's personnel is in accordance with state and federal

4-1 law and a description of reasonable methods to achieve compliance
4-2 with state and federal law.

4-3 (c) The policy statement must:
4-4 (1) be updated annually;
4-5 (2) be reviewed by the Texas Workforce Commission
4-6 civil rights division for compliance with Subsection (b)(1); and
4-7 (3) be filed with the governor's office.

4-8 Sec. 67.88 [~~112.048~~]. PREVENTION PROGRAMS FOR TARGETED
4-9 DEVELOPMENTAL DISABILITIES. (a) The office [~~executive committee~~]
4-10 shall establish guidelines for:
4-11 (1) selecting targeted disabilities;
4-12 (2) assessing prevention services needs; and
4-13 (3) reviewing plans, budgets, and operations for
4-14 programs under this section.

4-15 (b) The office [~~executive committee~~] shall plan and
4-16 implement prevention programs for specifically targeted
4-17 developmental disabilities.

4-18 (c) A program under this section:
4-19 (1) must include a plan designed to reduce the
4-20 incidence of a specifically targeted disability;
4-21 (2) must include a budget for implementing a plan;
4-22 (3) must be funded through:
4-23 (A) contracts for services from participating
4-24 agencies;
4-25 (B) grants and gifts from private persons and
4-26 consumer and advocacy organizations; and
4-27 (C) foundation support; and
4-28 (4) must be approved by the president of the
4-29 university or the president's designee [~~executive committee~~].

4-30 Sec. 67.89 [~~112.049~~]. EVALUATION. (a) The office shall
4-31 identify or encourage the establishment of needed statistical bases
4-32 for each targeted group against which the office can measure how
4-33 effectively a program under Section 67.88 [~~112.048~~] is reducing the
4-34 frequency or severity of a targeted developmental disability.

4-35 (b) The president of the university or the president's
4-36 designee [~~executive committee~~] shall regularly monitor and
4-37 evaluate the results of programs under Section 67.88 [~~112.048~~].

4-38 Sec. 67.90 [~~112.050~~]. GRANTS AND OTHER FUNDING. (a) The
4-39 president of the university or the president's designee [~~executive~~
4-40 ~~committee~~] may apply for and distribute private, state, and federal
4-41 funds to implement prevention policies set by the president of the
4-42 university or the president's designee [~~executive committee~~].

4-43 (b) The president of the university or the president's
4-44 designee [~~executive committee~~] shall establish criteria for
4-45 application and review of funding requests and accountability
4-46 standards for recipients. The president of the university or the
4-47 president's designee [~~executive committee~~] may adjust its criteria
4-48 as necessary to meet requirements for federal funding.

4-49 (c) The board [~~executive committee~~] may not submit a
4-50 legislative appropriation request for general revenue funds for
4-51 purposes of this subchapter.

4-52 (d) In addition to funding under Subsection (a), the office
4-53 may accept and solicit gifts, donations, and grants of money from
4-54 public and private sources, including the federal government, local
4-55 governments, and private entities, to assist in financing the
4-56 duties and functions of the office. The university [~~commission~~]
4-57 shall support office fund-raising efforts authorized by this
4-58 subsection. Funds raised under this subsection are administered by
4-59 the university and may only be spent in furtherance of a duty or
4-60 function of the office or in accordance with rules applicable to the
4-61 office. The university shall maintain a separate accounting of
4-62 funds raised under this subsection.

4-63 Sec. 67.91 [~~112.051~~]. REPORTS TO LEGISLATURE. The office
4-64 shall submit by February 1 of each odd-numbered year biennial
4-65 reports to the legislature detailing findings of the office and the
4-66 results of programs under Section 67.88 [~~112.048~~] and recommending
4-67 improvements in the delivery of developmental disability
4-68 prevention services.

4-69 SECTION 4. Section 22.04(c)(3), Penal Code, is amended to

5-1 read as follows:

5-2 (3) "Disabled individual" means a person:

5-3 (A) with one or more of the following:

5-4 (i) autism spectrum disorder, as defined by
5-5 Section 1355.001, Insurance Code;

5-6 (ii) developmental disability, as defined
5-7 by Section 67.82 [~~112.042~~], Education [~~Human Resources~~] Code;

5-8 (iii) intellectual disability, as defined
5-9 by Section 591.003, Health and Safety Code;

5-10 (iv) severe emotional disturbance, as
5-11 defined by Section 261.001, Family Code; or

5-12 (v) traumatic brain injury, as defined by
5-13 Section 92.001, Health and Safety Code; or

5-14 (B) who otherwise by reason of age or physical or
5-15 mental disease, defect, or injury is substantially unable to
5-16 protect the person's self from harm or to provide food, shelter, or
5-17 medical care for the person's self.

5-18 SECTION 5. The following provisions of the Human Resources
5-19 Code are repealed:

5-20 (1) Sections 112.0421, 112.0431, 112.045, 112.0451,
5-21 112.0452, 112.0453, 112.0454, and 112.046; and

5-22 (2) the heading to Subchapter C, Chapter 112.

5-23 SECTION 6. (a) On the effective date of this Act:

5-24 (1) the Office for the Prevention of Developmental
5-25 Disabilities is abolished as an independent office, transferred to
5-26 The University of Texas at Austin as a program, and renamed the
5-27 Office for Healthy Children;

5-28 (2) the executive committee and the board of advisors
5-29 of the Office for the Prevention of Developmental Disabilities are
5-30 abolished;

5-31 (3) the position of executive director of the Office
5-32 for the Prevention of Developmental Disabilities is abolished, but
5-33 the president of The University of Texas at Austin or the
5-34 president's designee may hire the person serving as the executive
5-35 director immediately before the effective date of this Act for a
5-36 position in the office;

5-37 (4) an employee of the Office for the Prevention of
5-38 Developmental Disabilities becomes an employee of The University of
5-39 Texas at Austin;

5-40 (5) all money, including gifts, donations, and grants
5-41 of money, contracts, leases, rights, and obligations of the Office
5-42 for the Prevention of Developmental Disabilities are transferred to
5-43 The University of Texas at Austin;

5-44 (6) all property, including records, in the custody of
5-45 the Office for the Prevention of Developmental Disabilities becomes
5-46 the property of The University of Texas at Austin;

5-47 (7) all funds appropriated by the legislature to the
5-48 Office for the Prevention of Developmental Disabilities are
5-49 transferred to The University of Texas at Austin; and

5-50 (8) all functions and activities performed by the
5-51 Office for the Prevention of Developmental Disabilities are
5-52 transferred to The University of Texas at Austin.

5-53 (b) The validity of an action taken by the Office for the
5-54 Prevention of Developmental Disabilities or the executive
5-55 committee or board of advisors of the office before the effective
5-56 date of this Act is not affected by the abolishment of the office.

5-57 (c) A rule, form, policy, procedure, or decision of the
5-58 Office for the Prevention of Developmental Disabilities or the
5-59 Health and Human Services Commission that is related to the office
5-60 is continued in effect as a rule, form, policy, procedure, or
5-61 decision of The University of Texas System until superseded by a
5-62 rule, form, policy, procedure, or decision of the system.

5-63 (d) Any action or proceeding pending before the Office for
5-64 the Prevention of Developmental Disabilities on the effective date
5-65 of this Act becomes an action or proceeding before The University of
5-66 Texas at Austin.

5-67 SECTION 7. This Act takes effect August 31, 2017.

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