

SUBJECT: Powers of regional planning commissions

COMMITTEE: Intergovernmental Affairs: committee substitute recommended

VOTE: 7 ayes--Lewis, Lauhoff, Criss, A. Edwards, Keller, Lee,
Untermeyer

3 nays--Joe Gibson, Gilley, Pierce

0 present, not voting

3 absent--D. Hill, Caraway, Tejeda

WITNESSES: For--William B. Oliver; M. D. Cooper, representing the
Waco and McLennan County Branch of the NAACP

Against--O. B. Lusk, Heart of Texas COG; Judge Mike Renfro,
Capitol Area Planning Council; Aloys J. Notzon III,
Alamo Area Council of Governments; Russell Rau,
representing Tom Bass, Harris County Commissioner;
Judge Bob L. Thomas, McLennan County

ARGUMENTS: This bill specifies the powers of regional planning commissions, including the primary function of assisting participating local governments to meet state and federal regional planning requirements. Other functions specified in the bill include the development of information to assist local governments with their regulatory authority and to review and comment on state and federal grant proposals. The bill deletes the authority of regional planning commissions to contract with member governments to provide services which the local government could contract to private organizations. The bill also specifically states that regional planning commissions' review process of grants or loans for projects that have a region-wide impact does not include approval or veto powers. The bill includes the Governor's office in the review and comment process. Regional commissions are also required to file a copy of audits of their programs and activities with the State Auditor, and an annual report with all applications for review and comment.

PRO: This bill will return regional planning commissions to the function for which they were originally created: planning. The original statute creating them was drafted hastily and it was only later discovered that they were doing things not originally contemplated by the Legislature, such as the direct provision of services.

This bill will ensure that regional planning commissions don't become super-governments that are not representative of a region. In some cases, they have slowly crept in the back door and usurped some of the functions of local governments. This bill will put a stop to that trend.

PRO
(continued)

The deletion of their authority to contract to provide services is necessary to ensure that regional planning commissions don't monopolize service delivery. They have sometimes set up a program and then contracted the delivery of that program to themselves. That's not fair to organizations which might be able to do a better job providing the service.

CON:

What's the problem? There has been no documentation of state-wide problems with regional planning commissions or COG's. If there is a problem with a particular commission or COG, it should be taken care of locally, not through a bill which will set back the progress of COG's and commissions around the state. This bill will have a chilling effect on local governments which may want to participate in addressing problems on a regional basis. At a time when it is becoming increasingly apparent that many of our problems should be dealt with on a regional basis, this bill is a disaster.

This bill will limit the flexibility of local governments which may want to contract with COG's or commissions to provide certain services. This is especially true in centralized purchasing for items needed by all local governments. Unless they have the authority to enter into contracts with local governments, COG's and commissions will not be able to provide this money-saving service to local governments.

COMMENTARY:

As originally introduced, this bill deleted the status of regional planning commissions as political subdivisions of the state and excluded the use of state money as seed money for a project. The substitute contains most of the major provisions of another bill, HB 1235.

There are currently 24 regional planning commissions in Texas, commonly referred to as Council of Governments (COG's). Membership by local governments is voluntary; 1555 local governments now participate. COG's are the official designated state planning regions; they also manage a federal review and comment process on local government grant applications, to determine whether the proposed project is consistent with regional policy.