

SUBJECT: Continuing the Texas Planning Council for Developmental Disabilities

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Naishtat, Maxey, Christian, J. Davis, Noriega, Telford,
Wohlgemuth

1 nay — Truitt

1 absent — Chavez

WITNESSES: None

BACKGROUND: The Texas Planning Council for Developmental Disabilities was created in 1971. Directed by federal law, the council act as an advocate for people with developmental disabilities in receiving services and support. The council develops a state plan for the use of available federal funds. The plan analyzes the needs of individuals with disabilities and available services. It also contains information on eligibility criteria, financial resources and barriers to obtaining services. This information is used in determining if the needs of people with disabilities are being met.

The council is primarily responsible for developing the state plan, conducting programs and activities that implement the goals and objectives of the plan, granting funds to state and local organizations throughout the state, sponsoring training for people with disabilities and their families, and educating the public and policymakers about disability issues.

The governor appoints the 30-member council, which is composed mostly of persons with disabilities, their families, or guardians.

The council is funded entirely with federal funds. It does not provide direct services, but uses more than 80 percent of the funds for competitive grant-funded projects in areas such as employment, community living, and education.

Federal law requires that the governor designate an agency to administer the developmental disabilities program. In 1983, Gov. Clements designated the Texas Rehabilitation Commission (TRC) to be the administering agency.

The Planning Council for Developmental Disabilities is subject to the Sunset Act and underwent Sunset Advisory Commission review during the past interim. The council will be abolished September, 1 1999, unless continued by the Legislature.

DIGEST: CSHB 1610 would change the name of the council to the Texas Council for Developmental Disabilities and continue it until September 1, 2011.

CSHB 1610 would, in accordance with federal law, require the governor to designate the council itself, a state agency that does not provide or pay for services, another state office, including the Governor's Office, or a state planning office as the designated state agency to provide administrative support and fiscal management services to the council. The bill recommends that the governor, no later than October 1, 1999, designate the Health and Human Services Commission (HHSC) as the designated state agency. If the governor does not follow the recommendation, the bill would require governor to submit a report to the chairs of the House and Senate Human Services committees stating the reason.

The bill would revise the relationship between the council and the designated state agency by limiting the agency's support of the council to providing administrative support and fiscal management and consulting with the council regarding development of the state plan. The agency would be prohibited from assigning duties to the council.

The bill would require the council and the designated agency to enter into a memorandum of understanding delineating the roles and responsibilities of the designated state agency. The council, rather than the administering agency, would adopt rules for the operation of the council.

Other changes proposed by the bill include standard Sunset Advisory Commission recommendations on equal employment opportunity, travel reimbursement, conflicts of interest, public testimony, removal of council members, member training, and complaint records.

The bill would take effect September 1, 1999.

**SUPPORTERS
SAY:**

CSHB 1610 is needed to continue the Texas Planning Council for Developmental Disabilities and the vital service it provides as an advocate for disabled persons. Between 200,000 and 470,000 Texans have developmental disabilities. Some of these individuals have chronic impairments and will require lifelong treatment and services, and continued oversight is needed to ensure their needs are being met. Through its grant-funded activities such as personal assistance services, student inclusion education initiatives, assistance in transition from school to work, and assistance in moving from facilities to communities, the council has shown it is able to meet its goals and objectives.

CSHB 1610 would make necessary improvements recommended by the Sunset Advisory Commission and would bring Texas into compliance with federal law. For example, TRC currently acts as the administering agency for the council. State law still directs the TRC, as the administering agency, to make final decisions on grant awards, administer the developmental disabilities program, and assign TRC staff to the council. TRC also must participate in developing the state plan for developmental disabilities. However, federal law now requires the council to fulfill these responsibilities.

The federal government now recognizes a more independent relationship between the council and its supporting agency is needed and mandates that councils be independent of the service delivery system. A potential conflict of interest could exist if the council continues to be attached to an agency that provides services to persons with developmental disabilities. The TRC was designated prior to the new federal requirements and was "grandfathered" in.

The Health and Human Services Commission is an obvious support agency because it is the umbrella organization for the state's health and human service agencies. The council would be able to maintain autonomy and protect its advocacy role without due influence from another agency yet have the clear and objective administrative support it needs.

**OPPONENTS
SAY:**

As an advocate for people with developmental disabilities, the council should be its own designated support agency. Making it a stand-alone agency free of any service delivery agency would mitigate any perception of conflict of

interest. The council could contract with another agency for the administrative and fiscal management support it needs.

**OTHER
OPPONENTS
SAY:**

Wherever the governor decides to place the council, the Legislature should not mandate that the governor to generate a time-consuming report explaining the reasons behind an executive action.

NOTES:

The committee substitute removed the word “Planning” from the name of the Council and added the recommendation that the governor place the council with the Health and Human Services Commission.

The companion bill, SB 362 by Zaffirini, has been referred to the Senate Human Services Committee.