

BILL ANALYSIS

Senate Research Center
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H.B. 1610
By: McCall (Zaffirini)
Human Services
4/13/1999
Engrossed

DIGEST

The Texas Planning Council for Developmental Disabilities (council) was created in 1971 to advocate for people with developmental disabilities, develop a state plan, sponsor training, and to provide education about disability issues. To execute these activities, the council's budget for fiscal year 1999 was \$3.9 million and includes 14 employees, with administrative support from the Texas Rehabilitation Commission.

As a result of its review of the council, the Sunset Advisory Commission recommended continuation of the council and several statutory modifications.

PURPOSE

As proposed, H.B. 1610 continues the Texas Planning Council for Developmental Disabilities, renames it as the Texas Council for Developmental Disabilities, and makes several statutory modifications.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the designated state agency in SECTION 4 (Section 112.018(e), Human Resources Code) and to the Texas Council for Developmental Disabilities in SECTION 4 (Section 112.020(b), Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 112.001, Human Resources Code, by redefining "council," "designated state agency," and "applicable federal developmental disability laws." Deletes the definition of "administering agency" and "facility for persons with developmental disabilities." Makes conforming changes.

SECTION 2. Amends Section 112.014(a), Human Resources Code, by deleting a provision providing for a vacancy on the Texas Council for Developmental Disabilities (council) if a member misses three consecutive meetings. Makes a conforming change.

SECTION 3. Amends the heading of Chapter 112B, Human Resources Code, as follows:

SUBCHAPTER B. New heading: TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES

SECTION 4. Amends Chapter 112B, Human Resources Code, by amending Sections 112.011, 112.012, 112.015, 112.018-112.020, and 112.023, and adding Sections 112.0111, 112.0161-112.0163, 112.0201, 112.022, and 112.0221, as follows:

Sec. 112.011. ESTABLISHMENT. Makes a conforming change.

Sec. 112.0111. DEFINITION. Defines "executive director."

Sec. 112.012. MEMBERS. Adds standard Sunset Commission language regarding equal opportunity employment.

Sec. 112.015. EXPENSES. Sets forth provisions for salaries of council members appointed under Section 112.012, rather than Section 112.012(c) or (d) of this code. Entitles council members who have a disability, rather than are disabled, to certain reimbursements.

Sec. 112.0161. CONFLICTS OF INTEREST. Adds standard Sunset Commission language regarding conflicts of interest.

Sec. 112.0162. REMOVAL OF COUNCIL MEMBER. Adds standard Sunset Commission language regarding the removal of a council member.

Sec. 112.0163. COUNCIL MEMBER TRAINING. Adds standard Sunset Commission language regarding council member training.

Sec. 112.018. New heading: DESIGNATED STATE AGENCY. Requires the governor to designate a state agency to provide administrative support to the council. Authorizes the governor to select a certain authority, and sets forth a list of those authorities, to serve as the designated state agency (DSA). Requires the DSA, rather than administering agency, to administer funds for the council, rather than the developmental disabilities program, in accordance with applicable developmental disability laws, rather than law. Requires the DSA, in accordance with state law and procedures, to provide certain procedures for the administration of funds, rather than grant funds, available to the council. Authorizes the DSA to adopt rules as necessary to implement the agency's duties under, rather than for the operation of, this chapter. Prohibits a DSA from assigning duties to council staff except under certain conditions. Deletes the requirement for the administering agency to make a decision about the award of certain grants. Deletes the text of Subsection (e) and redesignates Subsection (f) to Subsection (e). Makes conforming changes.

Sec. 112.019. STATE PLAN FOR DEVELOPMENTAL DISABILITIES. Requires the council to develop and submit a certain plan independently of the administering agency, rather than jointly with the administering agency. Requires the council to consult with the DSA before submitting the required state plan for specific reasons.

Sec. 112.020. ADDITIONAL COUNCIL POWERS AND DUTIES. Requires the council to take certain actions in addition to duties derived from other provisions of this chapter. Adds standard Sunset Commission language regarding separation of policymaking responsibilities, and provides the public with an opportunity to appear before the council. Authorizes the council to adopt rules relating to budgets and grants, to implement its duties and responsibilities under this chapter, and applicable federal developmental disability laws. Makes a conforming change.

Sec. 112.0201. COMPLAINTS. Adds standard Sunset Commission language regarding written complaints.

Sec. 112.022. EXECUTIVE DIRECTOR. Requires the council to hire an executive director in accordance with a certain hiring laws, for the purpose of executing policies and activities established by the council. Sets forth required responsibilities of the executive director and the executive director's designee.

Sec. 112.0221. EQUAL EMPLOYMENT OPPORTUNITY POLICY. Adds standard Sunset Commission language regarding equal opportunity policies.

Sec. 112.023. SUNSET PROVISION. Provides that the council is abolished and this chapter expires on September 1, 2011, rather than September 1, 1999. Makes a conforming change.

SECTION 5. Amends Section 614.002(c), Health and Safety Code, to make a conforming change.

SECTION 6. (a) Sets forth provisions for the governor to change a state agency designation under Section 112.018, Human Resources Code, by October 1, 1999.

(b) Provides that the legislature recommends that the governor designate a state agency which meets certain criteria.

(c) Requires a designation change subsequent to a legislative recommendation to be made in accordance with existing laws.

(d) Requires the governor to submit a report stating the justification for failure to implement a recommended change, under certain conditions, to certain officers of senate committees.

SECTION 7. (a) Provides that the name of the Texas Planning Council for Developmental Disabilities is changed to the Texas Council for Developmental Disabilities.

(b) Sets forth provisions for the use of certain stationery.

(c) Provides that the changed name of the Texas Council for Developmental Disabilities does not affect the validity of procedures or actions undertaken by the Texas Council for Developmental Disabilities.

(d) Sets forth a provision for appropriations to the newly named Texas Council for Developmental Disabilities.

SECTION 8. Provides that a certain previously adopted rule becomes a council rule, and remains in effect until amended or repealed by the council, under certain conditions.

SECTION 9. Requires the council and the DSA to enter into a certain memorandum of understanding. Provides that a certain management agreement terminates concurrently with the execution of the memorandum of understanding.

SECTION 10. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 11. Emergency clause.