

- SUBJECT:** Expanding the Interagency Council on Autism and PDD
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 7 ayes — Naishtat, Chavez, J. Davis, Noriega, Raymond, Villarreal, Wohlgemuth
- 0 nays
- 2 absent — Ehrhardt, Telford
- WITNESSES:** For — Tim Cole, Margaret Cowen, Interagency Council on Autism and Pervasive Developmental Disorders; Ronnie Schleiss, Autism Society of Greater Austin
- Against — None
- On — *Registered but did not testify:* Sharon Cohen, Texas Department of Health
- BACKGROUND:** Autism is a complex neurological disorder that affects brain functioning and usually appears during the first three years of life. People with autism may have difficulties in verbal or other communication, social interaction, and other activities, creating obstacles to relating to the outside world. Pervasive developmental disorders (PDD) pose many of the same challenges as autism.
- The 70th Legislature established the Interagency Council on Autism and Pervasive Developmental Disorders in 1985. The council's mission is to develop a state plan, make recommendations, and advise the state about providing services to people with autism or PDD. The council also serves as an advocate for those with these disorders. Any actions taken by the council must be approved by a majority vote of the members present.
- The seven-member council includes two public members who have relatives with autism or some other PDD, appointed by the governor and approved by the Senate, and one representative each from the Texas Department of Mental Health and Mental Retardation, Texas Department of Health, Texas Department of Human Services, Texas Education Agency, and Texas Rehabilitation Commission.

The agencies represented on the council provide staff support for council activities. The council is not authorized to spend any funds on staff support, nor to reimburse public members for their travel expenses.

DIGEST:

HB 1696 would expand the membership of the Interagency Council on Autism and Pervasive Developmental Disorders to 13. It would change the number of public members from two to seven, the majority of whom would have to be related to people with autism or PDD, and would add a representative from the Interagency Council on Early Childhood Intervention. The state agency representatives would be *ex officio* members, placing them in an advisory role and precluding them from voting or serving as the chair. The governor would have to appoint five new members to the council as soon as possible after the bill's effective date.

Public members of the council could receive reimbursement for travel expenses incurred while conducting the council's business, and the council could employ staff and to spend funds on staff salaries. Any action taken by the council would have to be approved by a majority of the public members.

HB 1696 also would remove the Legislature's directive for the council to develop a state plan.

This bill would take effect September 1, 2001.

SUPPORTERS
SAY:

HB 1696 would make changes that the Interagency Council on Autism and Pervasive Developmental Disorders needs to stay abreast of rapid changes in the understanding of these disorders. According to the council, the rate of autism diagnoses nationwide has quintupled over the past decade. At the same time, studies of people with autism or PDD have increased knowledge about these disorders and have led to new areas of investigation.

HB 1696 would improve the council's effectiveness in representing the interests of people with autism or PDD and their families. Currently, the council's hands are tied by the majority-vote rule and the composition of the council, as agency representatives form the majority. The council must be able to act independently from agency interests to serve as an advocate for people with autism or PDD. Making agency representatives *ex officio* members and increasing the number of voting members would allow the council to fulfill its mission better.

HB 1696 would provide the financial support the council needs to fulfill its mission. Under current law, the council cannot spend funds for support services but must rely on administrative support from the state agencies represented on the council. Current law may be interpreted to indicate that the agencies may limit their support to representation on the council. The council has faced significant resistance to administrative support from the agencies.

This bill would bring the council into line with other, similar boards whose members receive travel reimbursement. The requirement for the council to meet quarterly can be financially onerous for public members. Travel reimbursement would assist in recruitment, particularly important if the council membership were changed to include seven public members. Reimbursement also would ensure that the council included a broad range of public members, not just those who could afford the time and expense of traveling to council meetings.

OPPONENTS
SAY:

HB 1696 is an example of advisory “sprawl.” Often the Legislature sets up advisory boards or councils like this one because they encourage public participation within the agency structure, without additional spending. Funding for administrative support and members’ travel would bring this council one step closer to agency status. Instead, the Legislature should move this council’s duties to the Health and Human Services Commission, which oversees health and human services agencies’ activities.

HB 1696 would dilute state oversight. While it would increase the council’s state funding, it would decrease agency input by making state representatives *ex officio* members and a council minority.

NOTES:

The bill’s fiscal note estimates that it would cost the state \$101,434 in general revenue during fiscal 2002-03 to provide travel reimbursement and to employ a research specialist for the council.

The identical companion bill, SB 361 by Lucio, passed the Senate on April 11 on the Local and Uncontested Calendar and was referred to the House Human Services Committee on April 17.