

BILL ANALYSIS

Senate Research Center
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S.B. 362
By: Zaffirini
Human Services
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As Filed

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, S.B. 362 continues the Texas Planning Council for Developmental Disabilities and makes several statutory and modifications.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the designated state agency in SECTION 3 (Section 112.018(e), Human Resources Code) and to the Texas Planning Council for Developmental Disabilities in SECTION 3 (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 "designated state agency (DSA)," rather than "administering agency," and "applicable federal developmental disability laws." Deletes the definition of "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 council vacancy if a member misses three consecutive meetings. Makes a conforming change.

SECTION 3. Amends Chapter 112B, Human Resources Code, by amending Sections 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. 112.0111. DEFINITION. Defines "executive director."

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

Sec. 112.015. Sets forth provisions for 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 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. Makes a conforming change. 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.

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 or 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.

SECTION 4. 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 5. 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 6. (a) Effective date: September 1, 1999.

(b) Provides that changes in law only affect a council member appointed on or after September 1, 1999. Provides that this Act does not prohibit a member serving on September 1, 1999, from being reappointed under certain conditions.

SECTION 7. Emergency clause.