

SUBJECT: Continuing Governor's Committee on People with Disabilities

COMMITTEE: Human Services — committee substitute recommended

VOTE: 9 ayes — Raymond, Rose, Keough, S. King, Klick, Naishtat, Peña, Price, Spitzer
0 nays

WITNESSES: For — None
Against — None
On — Erick Fajardo, Sunset Advisory Commission; (*Registered, but did not testify*: Jennifer McPhail, ADAPT; Ken Levine, Sunset Advisory Commission; Sandra Bitter, Texas State Independent Living Council)

BACKGROUND: The Governor's Committee on People with Disabilities (GCPD), a trusted program within the Office of the Governor established in statute in 1991, was set up to serve as a central information and education resource on the abilities, rights, and needs of people with disabilities. The GCPD provides policy recommendations on disability issues to the governor and the Legislature, offers technical assistance and referral services to the public on how to navigate disability services and laws, and works with federal, state, and local governments and private businesses on disability issues. It also recognizes employers for hiring and retaining individuals with disabilities and media professionals and students for positively depicting disabled Texans.

The GCPD is composed of 12 members, at least seven of whom must be individuals with disabilities. Members are appointed by the governor for staggered terms of two years, with half of the members' terms expiring each year. The GCPD has four ex officio members who represent state agencies that serve people with disabilities, and the governor may appoint additional ex officio members. The GCPD currently has seven ex officio members. The board oversees a staff of five employees.

In fiscal 2013, the Legislature appropriated \$560,016 in general revenue to the GCPD, \$314,226 of which went to the GCPD's internal operating budget and \$139,841 of which went to the governor's office to provide administrative support to the committee. About 90 percent of the committee's internal operating budget is allocated for staff salary and benefits. The GCPD has the authority to carry forward into the next biennium any unexpended balance, which was \$641,639 in fiscal 2014.

The GCPD last underwent Sunset review in 1999 and was extended. The GCPD's authorization will expire on September 1, 2015, unless it is continued.

DIGEST:

CSHB 1678 would continue the GCPD as a trustee program within the Office of the Governor until September 1, 2027, and would eliminate several committee functions and add new functions.

Under the bill, the GCPD no longer would be required to:

- evaluate and report to the governor and Legislature on the state's compliance with the federal Americans with Disabilities Act (ADA) of 1990 and other federal and state statutes related to the rights and opportunities of people with disabilities;
- collect and evaluate data on state agencies' employment of people with disabilities; and
- create a long-range state plan for people with disabilities and recommendations to implement the plan.

Under the bill, the GCPD would have to:

- identify the various current long-range plans for people with disabilities in Texas created by state agencies, agencies' committees, or non-profit organizations required by federal law to produce such a plan, and publish on the GCPD's website a web link, if available, to each plan; and
- review and analyze the long-range plans described above to identify gaps in state laws and services for people with disabilities and make recommendations in the committee's required biennial report to the governor and the Legislature.

CSHB 1678 would take effect September 1, 2015.

**SUPPORTERS
SAY:**

The Governor's Committee on People with Disabilities should be continued because it serves a valuable purpose as a central source of information and education for the governor, the Legislature, and the public on disability-related issues and services.

Statutory requirements that do not align with the GCPD's purpose should be removed to clarify the committee's functions and responsibilities. This would allow the committee to more realistically meet its duties. Among those provisions is the requirement that the GCPD collect data and prepare reports on the state's compliance with the ADA and other federal and state laws relating to people with disabilities. This function was mandated just after the federal ADA was enacted in 1990. Since that time, both federal and state disability law has evolved and broadened to such an extent that the GCPD no longer can realistically evaluate Texas' compliance. Furthermore, data relating to ADA compliance cannot be verified because it is self-reported.

The GCPD has not developed long-range plans for people with disabilities and this statutory requirement should be eliminated. This function is performed by multiple state agencies, such as the State Independent Living Council, and this duplication of responsibility makes it more difficult for policymakers and the public to understand what the plans address and if gaps in service exist.

Several barriers also prevent the GCPD from collecting data on how many people with disabilities are employed by state agencies, and the committee should not be required to gather that information. Federal law protects a person's disability status, and even if disability status is voluntarily disclosed, this information, by law, is treated as confidential. Laws protecting confidentiality require such stringent standards for use of the information that it would impose significant administrative costs on the GCPD and state agencies to gather insignificant amounts of unverifiable data if this mandate was continued.

The GCPD, as a central resource for information, should be required to gather, analyze, and publish all long-range plans created by state agencies

and committees. Texas would benefit from having a centralized repository for all state plans relating to people with disabilities, as well as having systematic reviews to identify any gaps in service or room for improvement because this would provide a more complete picture of how the state serves the disabled community. Putting this information on the GCPD's website would make it easier for people with disabilities and their advocates to navigate state resources.

The GCPD should remain a trustee program within the Office of the Governor because it elevates the committee's status and enables it to access and keep the governor and governor's staff informed on disability-related issues and policies.

The bill would bring the committee's responsibilities more in line with the functions it can realistically be expected to perform with its current resources. While the bill would remove some duties that were not practical for the committee to carry out, several others that are more manageable and attainable would be added.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

CSHB 1678 differs from HB 1678 by updating the name of the former President's Committee on Employment of Persons with Disabilities to the Office of Disability Employment Policy. The committee substitute specifies that the GCPD would identify long-range plans for persons with disabilities who live in Texas, not elsewhere, and would include plans from nonprofit organizations required by federal law to produce such a plan.

Two companion bills, SB 211 and SB 688, both by Schwertner, were referred to the Senate Health and Human Services Committee on February 25, 2015.