

## **BILL ANALYSIS**

Senate Research Center  
76R836 KEL-D

H.B. 1611  
By: McCall (Zaffirini)  
Human Services  
4/13/1999  
Engrossed

### **DIGEST**

The Governor's Committee on People with Disabilities (committee) was established in 1949 as the Governor's Committee on Employment of the Handicapped to focus on promoting employment and public awareness of persons with disabilities. In 1991, the committee, which was given its current title in 1983, was relocated from the Texas Rehabilitation Commission to the Office of the Governor and its focus was expanded.

Currently, the committee promotes the development and coordination of statewide public and private policies concerning persons with disabilities, oversees and updates the long-range plan for Texans with disabilities, promotes a demographic survey of persons with disabilities, and promotes the compilation of laws related to persons with disabilities.

H.B. 1611 continues the committee until September 1, 2011 and establishes the committee's mission. The bill provides training for committee members and specifies situations in which a person is prohibited from being appointed a member of the committee or acting as the general counsel. The bill also establishes grounds for removal from the committee, provides for public hearings to be held by the committee, sets standards of conduct for members of the committee, and requires the committee to maintain records of the complaints it receives.

### **PURPOSE**

As proposed, H.B. 1611 provides for the continuation of the Governor's Committee on People with Disabilities and sets forth required functions of the committee.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 115.001, Human Resources Code, as follows:

Sec. 115.001. New heading: COMMITTEE; MISSION. Provides that the mission of the Governor's Committee on People with Disabilities (committee) is to further opportunities for persons with disabilities to enjoy full and equal access to lives of independence, productivity, and self-determination. Makes a conforming change.

SECTION 2. Amends Section 115.002, Human Resources Code, by adding Subsection (d), to require appointments to the committee to be made without regard to race, color, disability, sex, religion, age, or national origin, unless provided by Subsection (b).

SECTION 3. Amends Sections 115.004(a) and (b), Human Resources Code, to require the governor to designate one member of the committee as the presiding officer, rather than as the chair. Makes conforming and nonsubstantive changes.

SECTION 4. Amends Sections 115.005 and 115.009, Human Resources Code, as follows:

Sec 115.005. SUNSET PROVISION. Sets forth the continuation and functions of the Governor's Committee on People with Disabilities and makes statutory modifications recommended by the Sunset Advisory Commission.

Sec. 115.009. FUNCTIONS. Requires the committee to serve as a central source of information and education and issue reports; to advise the governor on matters relating to the participation of person with disabilities; to submit to the governor and legislature a report that includes the status of the state's compliance with established laws regarding persons with disabilities and recommendations to achieve further compliance with federal and state law, rather than making recommendations; a long-range state plan including recommendations for implementation for persons with disabilities, and any recommended changes in state laws relating to persons with disabilities; to serve as the state's liaison agency working with entities involved in activities or concerns, affecting persons with disabilities; to evaluate the state's compliance with the federal Americans with Disabilities Act of 1990 and similar state and federal statutes; and to provide information and technical assistance to public and private entities to implement the Americans with Disabilities Act; and to evaluate, rather than monitor, data on employment of persons with disabilities by state agencies. Deletes required functions of the committee in Subdivisions (1), (2), (6), (7), (10), and (11). Deletes a provision requiring the committee to report by a certain date on the state's compliance with laws pertaining to persons with disabilities. Makes conforming changes.

SECTION 5. Amends Chapter 115, Human Resources Code, by adding Sections 115.0021, 115.0022, 115.0023, 115.0041, 115.0042, 115.0061, and 115.011, as follows:

Sec. 115.0021. CONFLICT OF INTEREST. Adds standard language developed by the Sunset Advisory Commission regarding conflicts of interest.

Sec. 115.0022. TRAINING FOR COMMITTEE MEMBERS. Adds standard language developed by the Sunset Advisory Commission regarding training for committee members.

Sec. 115.0023. GROUNDS FOR REMOVAL. Sets forth certain grounds for removal of members of the committee.

Sec. 115.0041. DIVISION OF RESPONSIBILITY. Requires the committee to implement policies that separate the policymaking responsibilities of the committee and the management responsibilities of the executive director and staff of the committee.

Sec. 115.0042. PUBLIC HEARINGS. Adds standard language developed by the Sunset Advisory Commission regarding public hearings.

Sec. 115.0061. STANDARDS OF CONDUCT. Adds standard language developed by the Sunset Advisory Commission regarding standards of conduct.

Sec. 115.011. COMPLAINTS. Adds standard language developed by the Sunset Advisory Commission regarding complaints.

SECTION 6. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 7. Emergency clause.