

By: Lucio

S.B. No. 882

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Council on Autism and Pervasive Developmental Disorders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 114, Human Resources Code, is amended to read as follows:

CHAPTER 114. TEXAS [~~INTERAGENCY~~] COUNCIL ON AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS

SECTION 2. Section 114.001, Human Resources Code, is amended to read as follows:

Sec. 114.001. SHORT TITLE. This chapter may be cited as the Texas [~~Interagency~~] Council on Autism and Pervasive Developmental Disorders Act of 1987.

SECTION 3. Section 114.002, Human Resources Code, is amended to read as follows:

Sec. 114.002. DEFINITIONS. In this chapter:

(1) "Autism and other pervasive developmental disorders" means a subclass of mental disorders characterized by distortions in the development of multiple basic psychological functions that are involved in the development of social skills and language, as defined by the Diagnostic and Statistical Manual, 4th [~~3rd~~] Edition.

(2) "Council" means the Texas [~~Interagency~~] Council on Autism and Pervasive Developmental Disorders.

1 SECTION 4. The heading to Section 114.003, Human Resources
2 Code, is amended to read as follows:

3 Sec. 114.003. [~~INTERAGENCY~~] COUNCIL.

4 SECTION 5. Subsections (a), (b), and (d), Section 114.003,
5 Human Resources Code, are amended to read as follows:

6 (a) The Texas [~~Interagency~~] Council on Autism and Pervasive
7 Developmental Disorders is established.

8 (b) The council is composed of:

9 (1) seven public members, the majority of whom are
10 family members of a person with autism or a pervasive developmental
11 disorder, appointed by the governor with the advice and consent of
12 the senate; and

13 (2) one representative from each of the following
14 state agencies, to serve as ex officio members:

15 (A) [~~Texas~~] Department of Aging and Disability
16 Services [~~Mental Health and Mental Retardation~~];

17 (B) [~~Texas~~] Department of State Health Services;

18 (C) Health and [~~Texas Department of~~] Human
19 Services Commission;

20 (D) Texas Education Agency;

21 (E) Department of Assistive and Rehabilitative
22 Services [~~Texas Rehabilitation Commission~~]; and

23 (F) Department of Family and Protective Services
24 [~~Interagency Council on Early Childhood Intervention~~].

25 (d) The public members appointed by the governor serve
26 staggered two-year terms with the terms of three or four members
27 expiring [~~that expire~~] on February 1 of each [~~odd-numbered~~] year.

1 The public members may be reappointed. A representative of a state
2 agency serves at the pleasure of the commissioner or executive head
3 of that agency. A public member is entitled to reimbursement of the
4 travel expenses incurred by the public member while conducting the
5 business of the council, as provided in the General Appropriations
6 Act.

7 SECTION 6. Section 114.004, Human Resources Code, is
8 amended to read as follows:

9 Sec. 114.004. STAFF SUPPORT. The agencies represented on
10 the council shall provide staff support to the council from among
11 the agency staff who are responsible for coordinating services to
12 persons with autism or other pervasive developmental disorders or
13 to those persons' families. The council may require the employment
14 of staff to carry out the responsibilities of the council [~~perform~~
15 ~~clerical duties~~]. The executive commissioner of the Health and
16 [~~Texas Department of~~] Human Services Commission shall determine
17 which agency must employ [~~clerical~~] staff for the council and what
18 funding resources shall be used for the council.

19 SECTION 7. Section 114.005, Human Resources Code, is
20 amended by amending Subsection (b) and adding Subsection (c) to
21 read as follows:

22 (b) The chair of the council [~~task force~~] shall appoint the
23 chair of the task force [~~elect its own chairperson~~] and the task
24 force shall meet and serve in accordance with council rules. The
25 council may divide the task force into regional committees to
26 assist the council in community level program planning and
27 implementation.

1 (c) A member of the task force may be appointed or removed
2 without cause by a majority vote of the public members of the
3 council present at a council meeting.

4 SECTION 8. Subsections (a), (b), and (c), Section 114.007,
5 Human Resources Code, are amended to read as follows:

6 (a) The council shall provide recommendations to the Health
7 and Human Services Commission and other appropriate state agencies
8 [~~Texas Department of Mental Health and Mental Retardation as the~~
9 ~~state agency primarily~~] responsible for implementing this chapter,
10 including recommendations relating to the use of funds appropriated
11 to the commission or another health and human services agency
12 [~~department~~] to provide services to persons with autism or other
13 pervasive developmental disorders.

14 (b) The council with the advice of the advisory task force
15 and input from people with autism and other pervasive developmental
16 disorders, their families, and related advocacy organizations
17 shall address contemporary issues affecting services available to
18 persons with autism or other pervasive developmental disorders in
19 this state, including:

20 (1) successful intervention and treatment strategies,
21 including transitioning;

22 (2) personnel preparation and continuing education;

23 (3) referral, screening, and evaluation services;

24 (4) day care, respite care, or residential care
25 services;

26 (5) vocational and adult training programs;

27 (6) public awareness strategies;

- 1 (7) contemporary research;
- 2 (8) early identification strategies;
- 3 (9) family counseling and case management; and
- 4 (10) recommendations for monitoring autism service
- 5 programs.

6 (c) The council with the advice of the advisory task force
7 and input from people with autism and other pervasive developmental
8 disorders, their families, and related advocacy organizations
9 shall advise the legislature on legislation that is needed to
10 develop further and to maintain a statewide system of quality
11 intervention and treatment services for all persons with autism or
12 other pervasive developmental disorders. The council may develop
13 and recommend legislation to the legislature or comment on pending
14 legislation that affects those persons.

15 SECTION 9. Section 114.008, Human Resources Code, is
16 amended to read as follows:

17 Sec. 114.008. REPORT. (a) The agencies represented on the
18 council and the public members shall report to the council any
19 requirements identified by the agency or person to provide
20 additional or improved services to persons with autism or other
21 pervasive developmental disorders. Not later than November 1 of
22 each year, the council shall prepare and deliver to the executive
23 commissioner of the Health and Human Services Commission, the
24 governor, the lieutenant governor, and the speaker of the house of
25 representatives a report summarizing the recommendations.

26 (b) The council shall develop a strategy for establishing
27 new programs to meet the requirements identified through the

1 council's review and assessment and from input from the task force,
2 people with autism and related pervasive developmental disorders,
3 their families, and related advocacy organizations [~~by the agencies~~
4 ~~and the public members~~].

5 SECTION 10. Section 114.010, Human Resources Code, is
6 amended by adding Subsection (d) to read as follows:

7 (d) Funds may be appropriated from available resources to
8 allow the council to provide recommendations to the Health and
9 Humans Services Commission and other appropriate state agencies
10 responsible for implementing this chapter, including
11 recommendations relating to the use of funds appropriated to the
12 commission or another health and human services agency to provide
13 services to persons with autism or other pervasive developmental
14 disorders.

15 SECTION 11. Subsection (c), Section 114.011, Human
16 Resources Code, is amended to read as follows:

17 (c) The council shall develop with the Health and Human
18 Services Commission and any agency designated by the commission
19 [~~Texas Department of Mental Health and Mental Retardation~~]
20 procedures for allocating available funds to programs approved
21 under this section.

22 SECTION 12. (a) Notwithstanding Subsection (d), Section
23 114.003, Human Resources Code, as amended by this Act, a public
24 member of the Texas Council on Autism and Pervasive Developmental
25 Disorders serving a term that is scheduled to expire February 1,
26 2007, under Subsection (d), Section 114.003, Human Resources Code,
27 as it existed immediately before the effective date of this Act, may

1 continue to serve the remainder of the public member's term until
2 February 1, 2007.

3 (b) The governor shall appoint seven public members to the
4 Texas Council on Autism and Pervasive Developmental Disorders for
5 terms beginning February 1, 2007. The governor shall appoint three
6 persons to a term expiring February 1, 2008, and four persons to a
7 term expiring February 1, 2009.

8 SECTION 13. This Act takes effect September 1, 2005.