

1-1 By: Lucio S.B. No. 882
1-2 (In the Senate - Filed March 2, 2005; March 10, 2005, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 4, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 4, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 882 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the Texas Council on Autism and Pervasive Developmental
1-11 Disorders.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Chapter 114, Human Resources
1-14 Code, is amended to read as follows:

1-15 CHAPTER 114. TEXAS [~~INTERAGENCY~~] COUNCIL ON AUTISM AND PERVASIVE
1-16 DEVELOPMENTAL DISORDERS

1-17 SECTION 2. Section 114.001, Human Resources Code, is
1-18 amended to read as follows:

1-19 Sec. 114.001. SHORT TITLE. This chapter may be cited as the
1-20 Texas [~~Interagency~~] Council on Autism and Pervasive Developmental
1-21 Disorders Act of 1987.

1-22 SECTION 3. Section 114.002, Human Resources Code, is
1-23 amended to read as follows:

1-24 Sec. 114.002. DEFINITIONS. In this chapter:

1-25 (1) "Autism and other pervasive developmental
1-26 disorders" means a subclass of mental disorders characterized by
1-27 distortions in the development of multiple basic psychological
1-28 functions that are involved in the development of social skills and
1-29 language, as defined by the Diagnostic and Statistical Manual, 4th
1-30 [~~3rd~~] Edition.

1-31 (2) "Council" means the Texas [~~Interagency~~] Council on
1-32 Autism and Pervasive Developmental Disorders.

1-33 SECTION 4. The heading to Section 114.003, Human Resources
1-34 Code, is amended to read as follows:

1-35 Sec. 114.003. [~~INTERAGENCY~~] COUNCIL.

1-36 SECTION 5. Subsections (a), (b), and (d), Section 114.003,
1-37 Human Resources Code, are amended to read as follows:

1-38 (a) The Texas [~~Interagency~~] Council on Autism and Pervasive
1-39 Developmental Disorders is established.

1-40 (b) The council is composed of:

1-41 (1) seven public members, the majority of whom are
1-42 family members of a person with autism or a pervasive developmental
1-43 disorder, appointed by the governor with the advice and consent of
1-44 the senate; and

1-45 (2) one representative from each of the following
1-46 state agencies, to serve as ex officio members:

1-47 (A) [~~Texas~~] Department of Aging and Disability
1-48 Services [~~Mental Health and Mental Retardation~~];

1-49 (B) [~~Texas~~] Department of State Health Services;

1-50 (C) Health and [~~Texas Department of~~] Human
1-51 Services Commission;

1-52 (D) Texas Education Agency;

1-53 (E) Department of Assistive and Rehabilitative
1-54 Services [~~Texas Rehabilitation Commission~~]; and

1-55 (F) Department of Family and Protective Services
1-56 [~~Interagency Council on Early Childhood Intervention~~].

1-57 (d) The public members appointed by the governor serve
1-58 staggered two-year terms with the terms of three or four members
1-59 expiring [~~that expire~~] on February 1 of each [~~odd-numbered~~] year.
1-60 The public members may be reappointed. A representative of a state
1-61 agency serves at the pleasure of the commissioner or executive head
1-62 of that agency. A public member is entitled to reimbursement of the
1-63 travel expenses incurred by the public member while conducting the

2-1 business of the council, as provided in the General Appropriations
 2-2 Act.

2-3 SECTION 6. Section 114.004, Human Resources Code, is
 2-4 amended to read as follows:

2-5 Sec. 114.004. STAFF SUPPORT. The agencies represented on
 2-6 the council shall provide staff support to the council from among
 2-7 the agency staff who are responsible for coordinating services to
 2-8 persons with autism or other pervasive developmental disorders or
 2-9 to those persons' families. The council may require the employment
 2-10 of staff to carry out the responsibilities of the council [~~perform~~
 2-11 ~~clerical duties~~]. The executive commissioner of the Health and
 2-12 [~~Texas Department of~~] Human Services Commission shall determine
 2-13 which agency must employ [~~clerical~~] staff for the council and what
 2-14 funding resources shall be used for the council.

2-15 SECTION 7. Section 114.005, Human Resources Code, is
 2-16 amended by amending Subsection (b) and adding Subsection (c) to
 2-17 read as follows:

2-18 (b) The chair of the council [~~task force~~] shall appoint the
 2-19 chair of the task force [~~elect its own chairperson~~] and the task
 2-20 force shall meet and serve in accordance with council rules. The
 2-21 council may divide the task force into regional committees to
 2-22 assist the council in community level program planning and
 2-23 implementation.

2-24 (c) A member of the task force may be appointed or removed
 2-25 without cause by a majority vote of the public members of the
 2-26 council present at a council meeting.

2-27 SECTION 8. Subsections (a), (b), and (c), Section 114.007,
 2-28 Human Resources Code, are amended to read as follows:

2-29 (a) The council shall provide recommendations to the Health
 2-30 and Human Services Commission and other appropriate state agencies
 2-31 [~~Texas Department of Mental Health and Mental Retardation as the~~
 2-32 ~~state agency primarily~~] responsible for implementing this chapter,
 2-33 including recommendations relating to the use of funds appropriated
 2-34 to the commission or another health and human services agency
 2-35 [~~department~~] to provide services to persons with autism or other
 2-36 pervasive developmental disorders.

2-37 (b) The council with the advice of the advisory task force
 2-38 and input from people with autism and other pervasive developmental
 2-39 disorders, their families, and related advocacy organizations
 2-40 shall address contemporary issues affecting services available to
 2-41 persons with autism or other pervasive developmental disorders in
 2-42 this state, including:

- 2-43 (1) successful intervention and treatment strategies,
 2-44 including transitioning;
 2-45 (2) personnel preparation and continuing education;
 2-46 (3) referral, screening, and evaluation services;
 2-47 (4) day care, respite care, or residential care
 2-48 services;
 2-49 (5) vocational and adult training programs;
 2-50 (6) public awareness strategies;
 2-51 (7) contemporary research;
 2-52 (8) early identification strategies;
 2-53 (9) family counseling and case management; and
 2-54 (10) recommendations for monitoring autism service
 2-55 programs.

2-56 (c) The council with the advice of the advisory task force
 2-57 and input from people with autism and other pervasive developmental
 2-58 disorders, their families, and related advocacy organizations
 2-59 shall advise the legislature on legislation that is needed to
 2-60 develop further and to maintain a statewide system of quality
 2-61 intervention and treatment services for all persons with autism or
 2-62 other pervasive developmental disorders. The council may develop
 2-63 and recommend legislation to the legislature or comment on pending
 2-64 legislation that affects those persons.

2-65 SECTION 9. Section 114.008, Human Resources Code, is
 2-66 amended to read as follows:

2-67 Sec. 114.008. REPORT. (a) The agencies represented on the
 2-68 council and the public members shall report to the council any
 2-69 requirements identified by the agency or person to provide

3-1 additional or improved services to persons with autism or other
3-2 pervasive developmental disorders. Not later than November 1 of
3-3 each year, the council shall prepare and deliver to the executive
3-4 commissioner of the Health and Human Services Commission, the
3-5 governor, the lieutenant governor, and the speaker of the house of
3-6 representatives a report summarizing the recommendations.

3-7 (b) The council shall develop a strategy for establishing
3-8 new programs to meet the requirements identified through the
3-9 council's review and assessment and from input from the task force,
3-10 people with autism and related pervasive developmental disorders,
3-11 their families, and related advocacy organizations [~~by the agencies~~
3-12 ~~and the public members~~].

3-13 SECTION 10. Section 114.010, Human Resources Code, is
3-14 amended by adding Subsection (d) to read as follows:

3-15 (d) Funds may be appropriated from available resources to
3-16 allow the council to provide recommendations to the Health and
3-17 Humans Services Commission and other appropriate state agencies
3-18 responsible for implementing this chapter, including
3-19 recommendations relating to the use of funds appropriated to the
3-20 commission or another health and human services agency to provide
3-21 services to persons with autism or other pervasive developmental
3-22 disorders.

3-23 SECTION 11. Subsection (c), Section 114.011, Human
3-24 Resources Code, is amended to read as follows:

3-25 (c) The council shall develop with the Health and Human
3-26 Services Commission and any agency designated by the commission
3-27 [~~Texas Department of Mental Health and Mental Retardation~~]
3-28 procedures for allocating available funds to programs approved
3-29 under this section.

3-30 SECTION 12. (a) Notwithstanding Subsection (d), Section
3-31 114.003, Human Resources Code, as amended by this Act, a public
3-32 member of the Texas Council on Autism and Pervasive Developmental
3-33 Disorders serving a term that is scheduled to expire February 1,
3-34 2007, under Subsection (d), Section 114.003, Human Resources Code,
3-35 as it existed immediately before the effective date of this Act, may
3-36 continue to serve the remainder of the public member's term until
3-37 February 1, 2007.

3-38 (b) The governor shall appoint seven public members to the
3-39 Texas Council on Autism and Pervasive Developmental Disorders for
3-40 terms beginning February 1, 2007. The governor shall appoint three
3-41 persons to a term expiring February 1, 2008, and four persons to a
3-42 term expiring February 1, 2009.

3-43 SECTION 13. This Act takes effect September 1, 2005.

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