



January 25, 2015

The Honorable Charles Schwertner, Texas Senate
The Honorable Four Price, Texas House of Representatives

Dear Sirs,

The Center for Public Policy Priorities appreciates the opportunity to comment on the filed versions of HB 550 and SB 219. With combined input from Sunset Commission staff and the Texas Legislative Council (TLC), these companion bills of nearly 2,300 pages have been filed to update nine codes and 262 chapters of Texas law to lay the groundwork for separate, future legislation to be filed to revise Article II agency structures and functions under the periodic Sunset Review process of state agencies.

CPPP attended a December 2014 briefing by Steven Ogle, Sunset Commission staff counsel, who explained that important changes in agency responsibilities and alignment in Texas' current health and human services five-agency structure (adopted in 2003 under HB 2292) had never been fully captured and clarified in code. In addition, the code retained many outdated references and agency names. To address this, Sunset staff applied the knowledge gained in their comprehensive overview of all HHS functions and worked with TLC to produce SB 219/HB 550. The bill is intended to clarify the current legal structure, without incorporating any new policy changes, so that state law reflects actual practice, has no conflicting statutes, and has updated references.

CPPP fully supports the authors' intention for SB 219/HB 550 to bring current law into accord with current practice and terminology, in advance of filing separate Article II Sunset legislation. The anticipated Article II Sunset legislation, which will propose potentially major changes to Texas HHS agencies, will thus build on the newly clarified statutory foundation SB 219/HB 550 will establish if adopted.

CPPP offers two caveats to our endorsement of SB 219/HB 550.

The first is that, despite heroic efforts of Sunset and TLC staff, the profound complexity and sheer volume of content involved in this effort were such that some errors, oversights, and ambiguities were inevitable. After the bills were filed in December 2014, the Center sought the input and analysis of a diverse range of HHS stakeholders, from advocates to providers. We are pleased to report that no stakeholder group has perceived any intent to make covert policy changes. However, a diverse number of groups with expertise from mental health, child welfare, Texans with disabilities, to health care providers do report finding instances of proposed language that require further research and possible corrections. These range from issues of current desired terminology to questions of potential unintended but substantive policy changes. CPPP believes that a critical next step for this legislation must be an open and timely airing of these technical concerns between your staff and stakeholders, so that all can be confident that the final adopted bill does in fact accurately capture the legal and practical status quo.

Our second concern is that this endorsement comes at a time when very serious concerns have been raised regarding Texas HHSC contracting practices and oversight. In our fall 2014 comments on the Sunset Recommendations for HHSC, the Center noted our serious concern that a sweeping reorganization of Article II agencies could potentially divert limited staff resources and derail capacity to provide critical services to vulnerable Texans. In CPPP's three decades of Texas HHS advocacy we have observed that demanding coordination of services for agency clients that transcends agency "silos" and eliminates duplication of services depends more strongly on the expectations and commitment of leadership than on the details of agency structure in law. Given the questions raised by recent events, we hope that when the substantive Sunset legislation for Article II agencies is filed, a cautious approach will be adopted that ensures strong ongoing public input and transparency, and prioritizes ensuring high performance and coordination of services over simple consolidation of authority.

In closing, CPPP supports the important effort to correct Texas law to accurately reflect current programs, terminology, and practice. We believe a modest but critical amount of additional work remains to be done to correct unintentional errors and oversights in the filed version, and we are confident that under your leadership and with the good work of your staff, the version ultimately passed can and will meet that goal. We thank you for your leadership in this very important work.

Respectfully,



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