



Texas Rehabilitation Commission

RQ-0085-JC

" A Human Energy Agency "

VERNON M. ARRELL
Commissioner

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JUL 23 1999

Opinion Committee

Attorney General John Cornyn
Office of the Attorney General
209 West 14th Street, 8th Floor
Price Daniel Building
Austin, Texas 78701

Re: Request for Opinion -- General Revenue Funds for Texas Planning Council for Developmental Disabilities

Dear General Cornyn:

The Texas Rehabilitation Commission (TRC) requests your opinion whether the Texas Planning Council for Developmental Disabilities will be permitted to engage in lobbying activities after an organization subordinate to it, the Traumatic Brain Injury Advisory Board, begins to receive funds appropriated by the legislature for the 2000-2001 biennium.

The Texas Planning Council for Developmental Disabilities is a federal-state program, which receives administrative support from the Texas Rehabilitation Commission. The Council is governed by Human Resources Code, Chapter 112, and the rules of the Council are in Title 40, Texas Administrative Code, Chapter 109. The organization of the Council is described at 10 TAC section 109.4, and its functions are set forth at 40 TAC sections 109.3(c) and 109.5.

One of the important statutory functions of the Council is to advocate for individuals with developmental disabilities. See, for example, 42 U.S.C. sections 6024(c)(1), 6024(c)(4)(A)-(K), and 42 U.S.C. Chapter 75, Subchapter III (42 U.S.C. sections 6041-6043). These advocacy functions are recognized in state law; see Human Resources Code, section 112.021. Another of the functions of the Council is to administer and control the activities of the Traumatic Brain Injury Advisory Board, which is organized and operates as described in 40 TAC sections 109.7 and 116.10.

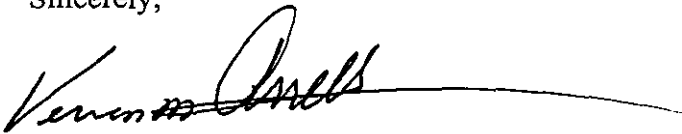


In accordance with Human Resources section 112.018 and Code40 TAC section 109.4(a), the Texas Rehabilitation Commission (TRC) provides administrative support to the Council in accordance with applicable federal and state law.

The Texas Rehabilitation Commission's Rider 2 in HB1, Seventy-sixth Legislature, the General Appropriations Act for 2000-2001, states: "Out of funds appropriated above in C.1.1., Promote Independence, \$20,000 in each year of the biennium is allocated to fund the Texas Traumatic Brain Injury Advisory Board". The method of financing for C.1.1. includes \$20,000 General Revenue each year. See enclosure. Accordingly, during the next biennium, the Traumatic Brain Injury Advisory Board will receive funds appropriated by the legislature.

Texas Government Code, Section 556.006, and Art IX, Section 5 of the biannual Appropriations Act, prohibit the use of funds appropriated by the legislature for lobbying. In light of the current appropriation to the Traumatic Brain Injury Advisory Board, I request your opinion whether the Texas Planning Council for Developmental Disabilities is prohibited from lobbying pursuant to Texas Government Code, Section 556.006, and Art IX, Section 5 of the biannual Appropriations Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon M. Arrell", with a long horizontal flourish extending to the right.

Vernon M. Arrell
Commissioner

VMA:RGD:jsw

Enclosure