

By: Rodriguez

H.B. No. 1748

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a study of opportunities for continued employment of
3 employees of state schools for persons with mental retardation.

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

5 SECTION 1. The Texas Department of Mental Health and Mental
6 Retardation shall conduct a study of actions the department may
7 take to ensure the continued employment, by the state or by other
8 employers, of the employees working at state schools for persons
9 with mental retardation in the event of state school closure.

10 SECTION 2. In conducting the study required by Section 1 of
11 this Act, the Texas Department of Mental Health and Mental
12 Retardation shall solicit the opinions and suggestions of
13 interested persons, including advocates for persons with
14 disabilities, the Texas State Employees Union and other employee
15 organizations, and providers of services to persons with
16 disabilities.

17 SECTION 3. In conducting the study required by Section 1 of
18 this Act, the Texas Department of Mental Health and Mental
19 Retardation shall consider all available options to ensure
20 continued employment, including the feasibility of:

21 (1) state-provided community-based services to
22 persons with mental retardation; and

23 (2) a partnership between the state and private
24 providers of services to persons with mental retardation or other

1 disabilities to transfer state employees to work under contract
2 between the provider and the state.

3 SECTION 4. (a) The Texas Department of Mental Health and
4 Mental Retardation may take action to ensure the continued
5 employment, by the state or by other employers, of employees
6 working at state schools for persons with mental retardation in
7 accordance with the department's conclusions resulting from the
8 study required by Section 1 of this Act.

9 (b) The Texas Department of Mental Health and Mental
10 Retardation shall report to the legislature and the governor the
11 conclusions of the study conducted under this Act. The report must
12 include recommendations for legislation necessary to accomplish
13 viable schemes for continued employment, by the state or by other
14 employers, of employees working at state schools for persons with
15 mental retardation if the department finds alternatives not
16 authorized by law. The department must present the report required
17 by this subsection to the speaker of the house of representatives,
18 the lieutenant governor, and the governor not later than December
19 1, 2004.

20 SECTION 5. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2003.