

1-1 By: Shapleigh S.B. No. 1850
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Economic Development;
1-4 March 31, 2009, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; March 31, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the establishment of a home- and community-based
1-9 services workforce council.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 531, Government Code, is amended by
1-12 adding Subchapter P-1 to read as follows:

1-13 SUBCHAPTER P-1. HOME- AND COMMUNITY-BASED SERVICES WORKFORCE
1-14 COUNCIL

1-15 Sec. 531.621. DEFINITION. In this subchapter, "council"
1-16 means the home- and community-based services workforce council.

1-17 Sec. 531.622. HOME- AND COMMUNITY-BASED SERVICES WORKFORCE
1-18 COUNCIL; COMPOSITION. (a) The home- and community-based services
1-19 workforce council is established.

1-20 (b) The council is composed of 13 members appointed by the
1-21 executive commissioner as follows:

1-22 (1) two members who are, at the time of appointment,
1-23 recipients of home- and community-based services;

1-24 (2) one family member of a child who is, at the time of
1-25 appointment, receiving home- and community-based services;

1-26 (3) three members who, at the time of appointment,
1-27 provide attendant services to recipients of home- and
1-28 community-based services;

1-29 (4) one member who is a representative of the
1-30 Disability Policy Consortium;

1-31 (5) one member who is a representative of the American
1-32 Association of Retired Persons;

1-33 (6) one member who is a representative of the Texas
1-34 Association of Area Agencies on Aging;

1-35 (7) one member who is a representative of the Texas
1-36 Association of Centers for Independent Living;

1-37 (8) one member who is a representative of a local
1-38 mental retardation authority;

1-39 (9) one member who is a representative of the Texas
1-40 Association for Home Care, Incorporated; and

1-41 (10) one member who is a representative of the Private
1-42 Providers Association of Texas.

1-43 (c) A member of the council serves at the pleasure of the
1-44 executive commissioner.

1-45 (d) The executive commissioner shall select a presiding
1-46 officer from among the members of the council.

1-47 Sec. 531.623. COMPENSATION. A council member serves
1-48 without compensation but is entitled to reimbursement for actual
1-49 and necessary expenses incurred in performing functions as a
1-50 council member, subject to any applicable limitation on
1-51 reimbursement provided by the General Appropriations Act.

1-52 Sec. 531.624. COUNCIL POWERS AND DUTIES. (a) The
1-53 council shall:

1-54 (1) at least quarterly, meet at the call of the
1-55 presiding officer;

1-56 (2) identify and study workforce issues relating to
1-57 the provision of home- and community-based services to the aging
1-58 and disabled populations of this state, including issues relating
1-59 to wages and benefits, turnover, recruitment, and retention of
1-60 personal attendants;

1-61 (3) review the current and anticipated need in this
1-62 state for home- and community-based services and the workforce
1-63 available in this state to meet that need;

1-64 (4) solicit, review, and make policy and funding

2-1 recommendations relating to home- and community-based services;
2-2 (5) request reports and other information relating to
2-3 the home- and community-based services workforce as necessary from
2-4 the executive commissioner, the Department of Aging and Disability
2-5 Services, other health and human services agencies, the Texas
2-6 Workforce Commission, or the attorney general; and
2-7 (6) make recommendations to the executive
2-8 commissioner and the legislature regarding the issues specified in
2-9 Subdivision (2).

2-10 (b) The commission shall provide assistance and resources
2-11 to the council as necessary for the council to perform its duties
2-12 under this subchapter.

2-13 Sec. 531.625. REPORTS. (a) Not later than September 1 of
2-14 each even-numbered year, the council shall submit a report based on
2-15 its findings to:

- 2-16 (1) the executive commissioner;
- 2-17 (2) the governor;
- 2-18 (3) the lieutenant governor;
- 2-19 (4) the speaker of the house of representatives;
- 2-20 (5) the senate finance committee;
- 2-21 (6) the house appropriations committee;
- 2-22 (7) the senate health and human services committee;

2-23 and

- 2-24 (8) the house human services committee.

2-25 (b) The report must include:

- 2-26 (1) an analysis of the current and anticipated funding
2-27 needs for home- and community-based services in this state and the
2-28 workforce available to meet that need;
- 2-29 (2) identification of significant problems in the
2-30 home- and community-based services workforce; and
- 2-31 (3) policy and funding recommendations.

2-32 SECTION 2. Not later than the 30th day after the effective
2-33 date of this Act, the executive commissioner of the Health and Human
2-34 Services Commission shall appoint the members of the home- and
2-35 community-based services workforce council as established by
2-36 Subchapter P-1, Chapter 531, Government Code, as added by this Act.

2-37 SECTION 3. This Act takes effect immediately if it receives
2-38 a vote of two-thirds of all the members elected to each house, as
2-39 provided by Section 39, Article III, Texas Constitution. If this
2-40 Act does not receive the vote necessary for immediate effect, this
2-41 Act takes effect September 1, 2009.

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