

BILL ANALYSIS

S.B. 1226
By: Zaffirini
Economic & Small Business Development
Committee Report (Unamended)

BACKGROUND AND PURPOSE

National surveys show that the majority of individuals with disabilities want to have a job, but the rate of these individuals' participation in the workforce is low. Interested parties assert that individuals with disabilities are routinely placed into settings geared towards their disabilities instead of regular workplaces, despite the availability of common accommodations. These segregated programs and sheltered workshop environments often pay below the minimum wage, fail to cultivate a person's potential, and, consequently, may force these individuals to live in poverty, dependence, and isolation. These parties believe that the implementation of an employment-first policy that holds individuals with disabilities to the same employment standards and responsibilities of any working-age adult could help these individuals reach their full potential for independence in the community, reduce such an individual's dependence on public funds and services, and avoid the costs associated with current segregated programs.

The Texas Legislature has created incentives for businesses to open or expand in or move to Texas, and part of these incentives include a world-class workforce educated by the Texas university system. Many Texans believe that those businesses should be able to utilize an educated and prepared workforce that includes Texans with disabilities because these employers may benefit from the perspective, creativity, and resourcefulness that individuals with disabilities have developed in order to maneuver in a world that is not always designed for them.

S.B. 1226 seeks to address these issues by providing for the establishment of a statewide employment-first policy and task force to promote competitive employment opportunities for individuals with disabilities.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission, the commissioner of education, and the Texas Workforce Commission in SECTION 1 of this bill.

ANALYSIS

S.B. 1226 amends the Government Code to establish that it is the policy of Texas that earning a living wage through competitive employment in the general workforce is the priority and preferred outcome for working-age individuals with disabilities who receive public benefits. The bill requires the Health and Human Services Commission (HHSC), the Texas Education Agency, and the Texas Workforce Commission (TWC) to jointly adopt and implement an employment-first policy in accordance with that established policy of Texas. The bill sets out requirements for the employment-first policy.

S.B. 1226 adds temporary provisions set to expire September 1, 2017, to require the executive commissioner of HHSC to establish an interagency employment-first task force or, as an alternative, authorizes the executive commissioner to use an existing committee or task force, to promote competitive employment of individuals with disabilities and the expectation that

individuals with disabilities are able to meet the same employment standards, responsibilities, and expectations as any other working-age adult. The bill requires the executive commissioner, if the executive commissioner establishes a task force for these purposes, to determine the number of members on the task force and to appoint those members not later than January 1, 2014, and specifies, as a minimum, certain members the executive commissioner is required to appoint to the task force. The bill sets out provisions relating to members serving at the will of the executive commissioner, a designated member of the task force serving as presiding officer, a required portion of the task force being composed of individuals with disabilities, a limitation on the portion of the task force that may be composed of advocates for individuals with disabilities, and the required duties of the established task force or the existing committee or task force used for purposes of the bill's provisions. The bill specifies that a member of the task force is not entitled to compensation and sets out expenses for which members are authorized to be reimbursed.

S.B. 1226 requires HHSC and the health and human services agencies to provide administrative support and staff to a task force established under the bill's provisions. The bill requires the executive commissioner, the commissioner of education, and TWC to evaluate recommendations made by a task force or committee under the bill's provisions and to adopt rules as necessary that are consistent with the employment-first policy.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.