

1-1 By: Zaffirini S.B. No. 1226  
 1-2 (In the Senate - Filed March 6, 2013; March 13, 2013, read  
 1-3 first time and referred to Committee on Health and Human Services;  
 1-4 April 8, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 8, 2013,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1226 By: Zaffirini

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the establishment of an employment-first policy and  
 1-22 task force to promote competitive employment opportunities that  
 1-23 provide a living wage for individuals with disabilities.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter B, Chapter 531, Government Code, is  
 1-26 amended by adding Sections 531.02447 and 531.02448 to read as  
 1-27 follows:

1-28 Sec. 531.02447. EMPLOYMENT-FIRST POLICY. (a) It is the  
 1-29 policy of the state that earning a living wage through competitive  
 1-30 employment in the general workforce is the priority and preferred  
 1-31 outcome for working-age individuals with disabilities who receive  
 1-32 public benefits.

1-33 (b) The commission, the Texas Education Agency, and the  
 1-34 Texas Workforce Commission shall jointly adopt and implement an  
 1-35 employment-first policy in accordance with the state's policy under  
 1-36 Subsection (a). The policy must:

1-37 (1) affirm that an individual with a disability is  
 1-38 able to meet the same employment standards as an individual who does  
 1-39 not have a disability;

1-40 (2) ensure that all working-age individuals with  
 1-41 disabilities, including young adults, are offered factual  
 1-42 information regarding employment as an individual with a  
 1-43 disability, including the relationship between an individual's  
 1-44 earned income and the individual's public benefits;

1-45 (3) ensure that individuals with disabilities are  
 1-46 given the opportunity to understand and explore options for  
 1-47 education or training, including postsecondary, graduate, and  
 1-48 postgraduate education, vocational or technical training, or other  
 1-49 training, as pathways to employment;

1-50 (4) promote the availability and accessibility of  
 1-51 individualized training designed to prepare an individual with a  
 1-52 disability for the individual's preferred employment;

1-53 (5) promote partnerships with employers to overcome  
 1-54 barriers to meeting workforce needs with the creative use of  
 1-55 technology and innovation;

1-56 (6) ensure that the staff of public schools,  
 1-57 vocational service programs, and community providers are trained  
 1-58 and supported to assist in achieving the goal of competitive  
 1-59 employment for all individuals with disabilities; and

1-60 (7) ensure that competitive employment, while being

2-1 the priority and preferred outcome, is not required of an  
 2-2 individual with a disability to secure or maintain public benefits  
 2-3 for which the individual is otherwise eligible.

2-4 Sec. 531.02448. EMPLOYMENT-FIRST TASK FORCE. (a) The  
 2-5 executive commissioner shall establish an interagency  
 2-6 employment-first task force, or may use an existing committee or  
 2-7 task force, to promote competitive employment of individuals with  
 2-8 disabilities and the expectation that individuals with  
 2-9 disabilities are able to meet the same employment standards,  
 2-10 responsibilities, and expectations as any other working-age adult.

2-11 (b) If the executive commissioner establishes a task force  
 2-12 for the purposes described by Subsection (a), the executive  
 2-13 commissioner shall determine the number of members on the task  
 2-14 force. The executive commissioner shall appoint at least the  
 2-15 following as members, subject to Subsection (e):

2-16 (1) an individual with a disability;

2-17 (2) a family member of an individual with a  
 2-18 disability;

2-19 (3) a representative of the commission;

2-20 (4) a representative of the Department of Assistive  
 2-21 and Rehabilitative Services;

2-22 (5) a representative of the Department of State Health  
 2-23 Services;

2-24 (6) a representative of the Department of Aging and  
 2-25 Disability Services;

2-26 (7) a representative of the Department of Family and  
 2-27 Protective Services;

2-28 (8) a representative of the Texas Workforce  
 2-29 Commission;

2-30 (9) a representative of the Texas Education Agency;

2-31 (10) an advocate for individuals with disabilities;

2-32 and

2-33 (11) a representative of a provider of integrated and  
 2-34 competitive employment services.

2-35 (c) A member of a task force established under this section  
 2-36 serves at the will of the executive commissioner.

2-37 (d) The executive commissioner shall designate a member of a  
 2-38 task force established under this section to serve as presiding  
 2-39 officer.

2-40 (e) At least one-third of a task force established under  
 2-41 this section must be composed of individuals with disabilities, and  
 2-42 no more than one-third of the task force may be composed of  
 2-43 advocates for individuals with disabilities.

2-44 (f) A task force established under this section or an  
 2-45 existing committee or task force used for purposes of this section  
 2-46 shall:

2-47 (1) design an education and outreach process targeted  
 2-48 at working-age individuals with disabilities, including young  
 2-49 adults with disabilities, the families of those individuals, the  
 2-50 state agencies listed in Subsection (b), and service providers,  
 2-51 that is aimed at raising expectations of the success of individuals  
 2-52 with disabilities in integrated, individualized, and competitive  
 2-53 employment;

2-54 (2) develop recommendations for policy, procedure,  
 2-55 and rules changes that are necessary to allow the employment-first  
 2-56 policy described under Section 531.02447(b) to be fully  
 2-57 implemented; and

2-58 (3) not later than September 1 of each even-numbered  
 2-59 year, prepare and submit to the office of the governor, the  
 2-60 legislature, and the executive commissioner a report regarding the  
 2-61 task force's findings and recommendations, including:

2-62 (A) information that reflects the potential and  
 2-63 actual impact of the employment-first policy on the employment  
 2-64 outcomes for individuals with disabilities; and

2-65 (B) recommendations for improvement of  
 2-66 employment services and outcomes, including employment rates, for  
 2-67 individuals with disabilities based on the reported impact of an  
 2-68 employment-first policy under Paragraph (A) that may include:

2-69 (i) recommendations relating to using any

3-1 savings to the state resulting from the implementation of the  
3-2 employment-first policy to further improve the services and  
3-3 outcomes; and

3-4 (ii) recommendations developed under  
3-5 Subdivision (2) regarding necessary policy, procedure, and rules  
3-6 changes.

3-7 (g) A member of a task force established under this section  
3-8 is not entitled to compensation. Members may be reimbursed for  
3-9 expenses as follows:

3-10 (1) a member described by Subsection (b)(1) or (2) is  
3-11 entitled to reimbursement for travel and other necessary expenses  
3-12 as provided in the General Appropriations Act;

3-13 (2) a member appointed as a representative of a state  
3-14 agency is eligible for reimbursement for travel and other necessary  
3-15 expenses according to the applicable agency's policies; and

3-16 (3) a member described by Subsection (b)(10) or (11)  
3-17 is entitled to reimbursement for travel and other necessary  
3-18 expenses to be paid equally out of available money appropriated to  
3-19 the commission and to health and human services agencies.

3-20 (h) The commission and the health and human services  
3-21 agencies shall provide administrative support and staff to a task  
3-22 force established under this section.

3-23 (i) The executive commissioner, the commissioner of  
3-24 education, and the Texas Workforce Commission shall evaluate  
3-25 recommendations made by a task force or committee under this  
3-26 section and adopt rules as necessary that are consistent with the  
3-27 employment-first policy adopted under Section 531.02447.

3-28 (j) This section expires September 1, 2017.

3-29 SECTION 2. Not later than January 1, 2014, the executive  
3-30 commissioner of the Health and Human Services Commission shall  
3-31 appoint the members of the employment-first task force under  
3-32 Section 531.02448, Government Code, as added by this Act, if the  
3-33 executive commissioner establishes a task force under that section.

3-34 SECTION 3. This Act takes effect immediately if it receives  
3-35 a vote of two-thirds of all the members elected to each house, as  
3-36 provided by Section 39, Article III, Texas Constitution. If this  
3-37 Act does not receive the vote necessary for immediate effect, this  
3-38 Act takes effect September 1, 2013.

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