

1-1 By: Anderson of McLennan (Senate Sponsor - Lucio) H.B. No. 3685
 1-2 (In the Senate - Received from the House May 6, 2015;
 1-3 May 6, 2015, read first time and referred to Committee on Natural
 1-4 Resources and Economic Development; May 22, 2015, reported
 1-5 favorably by the following vote: Yeas 10, Nays 0; May 22, 2015,
 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	X			
1-19	X			

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the employment status of certain individuals engaged in
 1-23 rehabilitative work-training programs.

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

1-25 SECTION 1. Section 201.067, Labor Code, is amended to read
 1-26 as follows:

1-27 Sec. 201.067. REHABILITATIVE SERVICE; WORK RELIEF;
 1-28 EXCEPTION FOR SERVICES PERFORMED BY CERTAIN TRAINED ~~[BLIND]~~
 1-29 INDIVIDUALS. (a) In this subtitle, "employment" does not include
 1-30 service performed ~~[by an individual who]~~:

1-31 (1) by an individual whose earning capacity is
 1-32 impaired by age, physical impairment, developmental disability,
 1-33 mental illness, or intellectual disability or injury ~~[receives~~
 1-34 ~~rehabilitative work or paying work in the employ of a facility that~~

1-35 ~~[(A) is conducted to carry out a program of~~
 1-36 ~~rehabilitation for individuals whose earning capacity is impaired~~
 1-37 ~~by:~~

1-38 ~~[(i) age,~~

1-39 ~~[(ii) physical impairment, other than~~
 1-40 ~~blindness, or~~

1-41 ~~[(iii) mental deficiency or injury, or~~

1-42 ~~[(B) provides paying work for individuals who,~~
 1-43 ~~because of their impaired physical or mental capacity, cannot be~~
 1-44 ~~readily absorbed in the competitive labor market,~~

1-45 ~~[(2) is blind]~~ while the individual is in training at a
 1-46 sheltered workshop or other facility operated by a charitable
 1-47 organization under a rehabilitation program that includes:

1-48 (A) an individual plan for employment as required
 1-49 by 29 U.S.C. Section 722, as amended by the Workforce Innovation and
 1-50 Opportunity Act (Pub. L. No. 113-128);

1-51 (B) a timeline for completion of the training;
 1-52 and

1-53 (C) a planned employment outcome; or

1-54 (2) by an individual who ~~[(3)]~~ receives work relief or
 1-55 work training as a part of an unemployment work-relief or
 1-56 work-training program assisted or financed in whole or in part by a
 1-57 federal agency, an agency of a state, a political subdivision of a
 1-58 state, or an Indian tribe.

1-59 (b) Notwithstanding Subsection (a)(1) ~~[(a)]~~, in this
 1-60 subtitle "employment" includes service performed by an individual
 1-61 whose earning capacity is impaired by age, physical impairment,

2-1 developmental disability, mental illness, or intellectual
2-2 disability or injury, other than an individual compensated as
2-3 provided by Section 62.057, [who is blind] and who, after training,
2-4 is working for a sheltered workshop or other facility operated by a
2-5 charitable organization:

2-6 (1) temporarily while awaiting placement in a position
2-7 of employment in the competitive labor market; or

2-8 (2) permanently because the individual is unable to
2-9 compete in the competitive labor market.

2-10 SECTION 2. This Act takes effect January 1, 2016.

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