

By: Campbell, et al.
(Burkett)

S.B. No. 208

Substitute the following for S.B. No. 208:

By: Button

C.S.S.B. No. 208

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Workforce
Commission.

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

SECTION 1. Subchapter B, Chapter 132, Education Code, is
amended by adding Section 132.025 to read as follows:

Sec. 132.025. REQUIRED POSTING. To facilitate a
prospective student's informed selection among career schools and
colleges, the commission shall include in its searchable directory
of career schools and colleges maintained on its Internet website
information regarding any formal enforcement action taken by the
commission against a school or college, including:

(1) any revocation of the school's or college's
certificate of authority;

(2) any assessment of administrative penalties
against the school or college; and

(3) any suspension of admission of students to the
school or college.

SECTION 2. Section 1001.104, Education Code, is amended to
read as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES.

(a) The agency shall enter into a memorandum of understanding with
the state agency responsible for administering the vocational
rehabilitation program under Subtitle C, Title 4, Labor Code,

1 [~~Texas Rehabilitation Commission~~] and the department for the
2 interagency development of curricula and licensing criteria for
3 hospital and rehabilitation facilities that teach driver
4 education.

5 (b) The agency shall administer comprehensive rules
6 governing driver education courses adopted by mutual agreement
7 among the agency, the state agency responsible for administering
8 the vocational rehabilitation program under Subtitle C, Title 4,
9 Labor Code [~~Texas Rehabilitation Commission~~], and the department.

10 SECTION 3. The heading to Section 411.104, Government Code,
11 is amended to read as follows:

12 Sec. 411.104. ACCESS TO CRIMINAL HISTORY RECORD
13 INFORMATION: TEXAS WORKFORCE COMMISSION; SECURITY SENSITIVE
14 POSITIONS.

15 SECTION 4. Effective September 1, 2016, Subchapter F,
16 Chapter 411, Government Code, is amended by adding Section 411.1041
17 to read as follows:

18 Sec. 411.1041. ACCESS TO CRIMINAL HISTORY RECORD
19 INFORMATION: TEXAS WORKFORCE COMMISSION; VOCATIONAL
20 REHABILITATION AND OTHER SERVICES. (a) The Texas Workforce
21 Commission, in connection with the administration of vocational
22 rehabilitation services and other services and programs under
23 Subtitle C, Title 4, Labor Code, is entitled to obtain from the
24 department criminal history record information maintained by the
25 department that relates to a person who is:

26 (1) an applicant selected for employment with the
27 commission whose potential duties include direct contact with

1 clients to provide those services;

2 (2) an applicant for those services from the
3 commission; or

4 (3) a client receiving those services from the
5 commission.

6 (b) Criminal history record information obtained by the
7 commission under Subsection (a) may not be released or disclosed to
8 any person except on court order or with the written consent of the
9 person who is the subject of the criminal history record
10 information.

11 SECTION 5. Section 2308.3155(b), Government Code, is
12 amended to read as follows:

13 (b) The commission shall adopt rules to administer the Texas
14 Rising Star Program, including:

15 (1) guidelines for rating a child-care provider who
16 provides child care to a child younger than 13 years of age,
17 including infants and toddlers, enrolled in the subsidized program;
18 and

19 (2) a timeline and process for regularly reviewing and
20 updating the quality standards used to determine the rating system
21 that includes the commission's consideration of input from
22 interested parties regarding those standards.

23 SECTION 6. Effective September 1, 2016, Subchapter C,
24 Chapter 91, Human Resources Code, is amended by adding Section
25 91.0211 to read as follows:

26 Sec. 91.0211. SERVICE DELIVERY BY TEXAS WORKFORCE
27 COMMISSION. The Texas Workforce Commission has primary

1 responsibility for providing vocational rehabilitation services
2 and other services and programs under Subtitle C, Title 4, Labor
3 Code, notwithstanding Section 91.021(a) and subject to receipt of
4 any required federal approval to administer those services and
5 programs. A power or duty under this chapter, including rulemaking
6 authority, of the department, the commissioner, or the executive
7 commissioner that is applicable to those services or programs is a
8 power or duty of the Texas Workforce Commission with respect to
9 those services or programs.

10 SECTION 7. Effective September 1, 2016, Subchapter C,
11 Chapter 111, Human Resources Code, is amended by adding Section
12 111.0511 to read as follows:

13 Sec. 111.0511. SERVICE DELIVERY BY TEXAS WORKFORCE
14 COMMISSION. The Texas Workforce Commission has primary
15 responsibility for providing vocational rehabilitation services
16 and other services and programs under Subtitle C, Title 4, Labor
17 Code, notwithstanding Section 111.051 and subject to receipt of any
18 required federal approval to administer those services and
19 programs. A power or duty under this chapter, including rulemaking
20 authority, of the department, the commissioner, or the executive
21 commissioner that is applicable to those services or programs is a
22 power or duty of the Texas Workforce Commission with respect to
23 those services or programs. All other state agencies engaged in
24 vocational rehabilitation services or related services or programs
25 shall coordinate those activities with the Texas Workforce
26 Commission.

27 SECTION 8. Effective September 1, 2016, Subchapter D,

1 Chapter 117, Human Resources Code, is amended by adding Section
2 117.0713 to read as follows:

3 Sec. 117.0713. SERVICE DELIVERY BY TEXAS WORKFORCE
4 COMMISSION. The Texas Workforce Commission has primary
5 responsibility for providing vocational rehabilitation services
6 and other services and programs under Subtitle C, Title 4, Labor
7 Code, notwithstanding Section 117.071 and subject to receipt of any
8 required federal approval to administer those services and
9 programs. A power or duty under this chapter, including rulemaking
10 authority, of the department, the commissioner, or the executive
11 commissioner that is applicable to those services or programs is a
12 power or duty of the Texas Workforce Commission with respect to
13 those services or programs.

14 SECTION 9. Section 21.0015, Labor Code, is amended to read
15 as follows:

16 Sec. 21.0015. TEXAS WORKFORCE COMMISSION [~~CIVIL RIGHTS~~
17 ~~DIVISION~~]. The powers and duties exercised by the Commission on
18 Human Rights under this chapter are transferred to the Texas
19 Workforce Commission [~~civil rights division~~]. A reference in this
20 chapter to the "commission" means the Texas Workforce Commission
21 [~~civil rights division~~].

22 SECTION 10. Section 21.206, Labor Code, is amended to read
23 as follows:

24 Sec. 21.206. DETERMINATION OF REASONABLE CAUSE; REVIEW BY
25 COMMISSION [~~PANEL~~]. (a) If after investigation the executive
26 director or the executive director's designee determines that there
27 is reasonable cause to believe that the respondent engaged in an

1 unlawful employment practice as alleged in a complaint, the
2 executive director or the executive director's designee shall
3 review with the commission members [~~a panel of three commissioners~~]
4 the evidence in the record.

5 (b) If after the review at least two of the three commission
6 members [~~commissioners~~] determine that there is reasonable cause to
7 believe that the respondent engaged in an unlawful employment
8 practice, the executive director shall:

9 (1) issue a written determination incorporating the
10 executive director's finding that the evidence supports the
11 complaint; and

12 (2) serve a copy of the determination on the
13 complainant, the respondent, and other agencies as required by law.

14 SECTION 11. Section [21.453](#), Labor Code, is amended by
15 amending Subsection (a) and adding Subsection (a-1) to read as
16 follows:

17 (a) Except as provided by Subsection (a-1), the [~~The~~]
18 commission shall review the personnel policies and procedures of
19 each state agency on a six-year cycle to determine whether the
20 policies and procedures comply with this chapter.

21 (a-1) The commission by rule shall develop risk-assessment
22 criteria for determining the circumstances under which the
23 commission may conduct a review of the personnel policies and
24 procedures of a state agency more frequently than required by
25 Subsection (a). The risk-assessment criteria must include:

26 (1) data on complaints against a state agency;

27 (2) previous review findings; and

1 (3) any other related information collected and
2 maintained by the commission.

3 SECTION 12. Section 21.455, Labor Code, is amended by
4 adding Subsection (d) to read as follows:

5 (d) Annually, the commission shall:

6 (1) review the reimbursements received by the
7 commission under this section to ensure that the commission
8 recovers the expenses described by Subsection (a); and

9 (2) adjust the reimbursement rate if, as a result of
10 the most recent annual review, the commission determines that the
11 reimbursement rate is higher or lower than the rate required to
12 recover those expenses.

13 SECTION 13. Chapter 214, Labor Code, is amended by adding
14 Section 214.009 to read as follows:

15 Sec. 214.009. RECOVERY OF COVERED UNEMPLOYMENT
16 COMPENSATION DEBT THROUGH FEDERAL TREASURY OFFSET PROGRAM. (a) In
17 this section, "program" means the federal Treasury Offset Program
18 authorized by 26 U.S.C. Section 6402(f).

19 (b) The commission may collect the following covered
20 unemployment compensation debt through the program:

21 (1) a past-due debt for erroneous payment of benefits
22 due to fraud that has become final under law and remains
23 uncollected;

24 (2) a past-due debt for erroneous payment of benefits
25 due to a person's failure to report earnings, even if
26 non-fraudulent, that has become final under law and remains
27 uncollected;

1 (3) a past-due employer contribution owed to the
2 compensation fund for which the commission has determined the
3 person to be liable and that remains uncollected; and

4 (4) any penalties and interest assessed by the
5 commission on a debt described by Subdivision (1), (2), or (3).

6 (c) Before submitting covered unemployment compensation
7 debt for recovery under the program, the commission must:

8 (1) notify the debtor by regular United States mail
9 that the commission plans to recover the debt through the offset of
10 any federal tax refund;

11 (2) provide the debtor at least 60 days following the
12 date the notice is provided under Subdivision (1) to present to the
13 commission evidence that all or part of the debt is not:

14 (A) legally enforceable;

15 (B) due to fraud or unreported earnings; or

16 (C) a contribution owed to the compensation fund;

17 and

18 (3) consider any evidence presented by the debtor to
19 determine the amount of debt that is legally enforceable and owed.

20 (d) In considering evidence presented by a debtor under
21 Subsection (c), the commission may determine only whether the
22 debtor has demonstrated that the debt is not subject to recovery
23 through the program so that the commission is able to minimize
24 erroneous offsets. The commission may not review the initial
25 determination establishing the debtor's liability.

26 (e) The commission shall assess against the debtor the cost
27 of any administrative fee charged by the United States Department

1 of the Treasury for each offset. The commission may add the
2 assessed amount to the covered unemployment compensation debt that
3 is offset under the program.

4 SECTION 14. Section 301.006(b), Labor Code, is amended to
5 read as follows:

6 (b) Notwithstanding Subsection (a), the member of the
7 commission who represents the public shall serve as chair:

8 (1) when the commission acts under:

9 (A) Chapter 21;

10 (B) Subchapter D, Chapter 61; [~~or~~]

11 (C) [~~(B)~~] Subchapter D, Chapter 212; or

12 (D) Chapter 301, Property Code; and

13 (2) in commission hearings involving unemployment
14 insurance issues regarding tax coverage, contributions, or
15 reimbursements.

16 SECTION 15. Section 301.008, Labor Code, is amended to read
17 as follows:

18 Sec. 301.008. APPLICATION OF SUNSET ACT. The Texas
19 Workforce Commission is subject to Chapter 325, Government Code
20 (Texas Sunset Act). Unless continued in existence as provided by
21 that chapter, the commission is abolished September 1, 2027 [~~2015~~].

22 SECTION 16. Section 301.009(a), Labor Code, is amended to
23 read as follows:

24 (a) The commission shall have:

25 (1) a division of workforce development; [~~and~~]

26 (2) a division of unemployment compensation; and

27 (3) a civil rights division.

1 SECTION 17. Effective September 1, 2016, Subchapter D,
2 Chapter 301, Labor Code, is amended by adding Section 301.0675 to
3 read as follows:

4 Sec. 301.0675. VOCATIONAL REHABILITATION AND CERTAIN OTHER
5 SERVICES FOR PERSONS WITH DISABILITIES. Subject to federal
6 approval, if required, to administer vocational rehabilitation
7 services and other services and programs to persons with
8 disabilities under Subtitle C, Title 4, the commission has primary
9 responsibility for providing those services and programs.

10 SECTION 18. Section 301.153, Labor Code, is amended to read
11 as follows:

12 Sec. 301.153. GOVERNANCE; AUTHORITY [~~HUMAN RIGHTS~~
13 ~~COMMISSION~~]. (a) [~~The division is governed by the human rights~~
14 ~~commission, which consists of seven members as follows:~~

15 [~~(1) one member who represents industry;~~

16 [~~(2) one member who represents labor; and~~

17 [~~(3) five members who represent the public.~~

18 [~~(b) The members of the human rights commission established~~
19 ~~under this section shall be appointed by the governor. In making~~
20 ~~appointments to the human rights commission, the governor shall~~
21 ~~strive to achieve representation on the human rights commission~~
22 ~~that is diverse with respect to disability, religion, age, economic~~
23 ~~status, sex, race, and ethnicity.~~

24 [~~(c) The term of office of each commissioner is six years.~~
25 ~~The governor shall designate one commissioner to serve as presiding~~
26 ~~officer.~~

27 [~~(d) A commissioner is entitled to reimbursement of actual~~

1 ~~and necessary expenses incurred in the performance of official~~
2 ~~duties.~~

3 ~~[(e)]~~ The ~~[human rights]~~ commission shall establish
4 policies for the division and the executive director shall
5 supervise the director in administering the activities of the
6 division.

7 (b) ~~[(f)]~~ The ~~[human rights]~~ commission is the state
8 authority established as a fair employment practice agency and is
9 authorized, with respect to an unlawful employment practice, to:

- 10 (1) grant relief from the practice;
11 (2) seek relief from the practice; or
12 (3) institute criminal proceedings.

13 (c) The commission shall administer Chapter 21 of this code
14 and Chapter 301, Property Code, including the powers and duties
15 formerly exercised by the former Commission on Human Rights under
16 those laws.

17 (d) A reference in Chapter 21 of this code, Chapter 301,
18 Property Code, or any other law to the former Commission on Human
19 Rights means the commission.

20 SECTION 19. Section 301.154(a), Labor Code, is amended to
21 read as follows:

22 (a) The director shall be appointed by the executive
23 director ~~[human rights commission]~~ to administer the powers and
24 duties of the division.

25 SECTION 20. Subchapter I, Chapter 301, Labor Code, is
26 amended by adding Section 301.157 to read as follows:

27 Sec. 301.157. ANALYSIS OF STATE AGENCY DISCRIMINATION

1 COMPLAINTS; REPORT. (a) Each state fiscal year, the division
2 shall collect and analyze information regarding employment
3 discrimination complaints, other than complaints determined to be
4 without merit, filed with the division against a state agency. The
5 information must include:

6 (1) an analysis of the complaints, both by number and
7 by type; and

8 (2) key findings or trends the division identifies
9 during the division's review of state agency personnel policies and
10 procedures under Section 21.453.

11 (b) The commission shall include the results of the
12 division's analysis under this section in the commission's annual
13 report to the governor and the legislature. The division shall
14 exclude from the report any identifying information of a
15 complainant or a state agency complaint as necessary to maintain
16 confidentiality required by the commission's contract with the
17 federal Equal Employment Opportunity Commission or by other law.

18 SECTION 21. Section 302.0043(f), Labor Code, is amended to
19 read as follows:

20 (f) Not later than January 15 of each odd-numbered year, the
21 commission shall report to the legislature regarding the
22 commission's findings regarding the effectiveness of the
23 commission's child care program. The report must:

24 (1) include employment outcome information,
25 disaggregated by local workforce development area, regarding
26 parents receiving subsidized care under the program; and

27 (2) identify multiyear trends in the information

1 collected and analyzed by the commission under this section,
2 including trends in the information for at least the five state
3 fiscal years preceding the date of the report.

4 SECTION 22. Subchapter A, Chapter 302, Labor Code, is
5 amended by adding Section 302.00435 to read as follows:

6 Sec. 302.00435. SUBSIDIZED CHILD CARE PROGRAM; INPUT
7 POLICY. The commission shall develop a policy for obtaining,
8 through appropriate methods, input from interested parties
9 regarding its subsidized child care program and for using that
10 input in administering that program.

11 SECTION 23. Title 4, Labor Code, is amended by adding
12 Subtitle C to read as follows:

13 SUBTITLE C. VOCATIONAL REHABILITATION AND CERTAIN OTHER SERVICES

14 FOR PERSONS WITH DISABILITIES

15 CHAPTER 351. GENERAL PROVISIONS; RESPONSIBILITY FOR

16 ADMINISTRATION OF SERVICES

17 Sec. 351.001. DEFINITIONS. In this subtitle:

18 (1) "Department" means the Department of Assistive and
19 Rehabilitative Services.

20 (2) "Executive commissioner" means the executive
21 commissioner of the Health and Human Services Commission.

22 Sec. 351.002. RESPONSIBILITY FOR ADMINISTRATION OF

23 SERVICES AND PROGRAMS. (a) Notwithstanding any other provision of

24 this subtitle, the department shall administer the services and

25 programs under this subtitle until September 1, 2016. On that date,

26 the department shall cease administering the services and programs

27 and the commission shall begin administering the services and

1 programs, subject to receipt of any required federal approval.

2 (b) The department or commission, as appropriate, shall
3 seek federal approval, if required:

4 (1) for the commission, beginning on September 1,
5 2016, to administer the following services and programs under this
6 subtitle that the department operated before that date under the
7 federal Rehabilitation Act of 1973 (29 U.S.C. Sections 720 through
8 751):

9 (A) the vocational rehabilitation program for
10 individuals with visual impairments;

11 (B) the vocational rehabilitation program for
12 individuals with other disabilities;

13 (C) the Independent Living Services Program for
14 older individuals who are blind; and

15 (D) the Criss Cole Rehabilitation Center;

16 (2) for the commission, beginning on September 1,
17 2016, to administer the program for vending facilities operated by
18 blind persons under Chapter 355, including the Business Enterprises
19 Program under the Randolph-Sheppard Act (20 U.S.C. Section 107 et
20 seq.), that the department operated before that date; and

21 (3) to designate within the commission the state unit
22 under 29 U.S.C. Section 721 that is responsible for administering
23 the state's vocational rehabilitation program.

24 (c) The Rehabilitation Council of Texas transfers to the
25 commission on September 1, 2016.

26 (d) Subsections (b) and (c) and this subsection expire
27 September 1, 2019.

1 Sec. 351.003. DESIGNATED STATE UNIT FOR VOCATIONAL
2 REHABILITATION SERVICES. In accordance with the requirements of
3 the federal Rehabilitation Act of 1973 (29 U.S.C. Section 701 et
4 seq.), the commission shall establish a designated state unit
5 within the commission that:

6 (1) is an organizational unit designated to be
7 primarily responsible for and concerned with vocational
8 rehabilitation of individuals with disabilities;

9 (2) has a full-time director;

10 (3) has a staff employed on the rehabilitation work of
11 the organizational unit, all or substantially all of whom are
12 employed full-time on such work; and

13 (4) is located at an organizational level and has an
14 organizational status within the commission comparable to that of
15 other major organizational units of the commission.

16 Sec. 351.004. INTEGRATION OF VOCATIONAL REHABILITATION
17 PROGRAMS; PROGRAM STAFF. (a) Not later than August 31, 2018, the
18 commission shall integrate the vocational rehabilitation staff
19 from department offices into the commission's local workforce
20 development boards and centers.

21 (b) This section expires September 1, 2019.

22 Sec. 351.005. MEANING OF CERTAIN REFERENCES IN LAW. Until
23 the administration of this subtitle is transferred from the
24 department to the commission, a reference to the commission or the
25 executive director in this subtitle means the department,
26 commissioner of assistive and rehabilitative services, or
27 executive commissioner, as applicable.

1 CHAPTER 352. VOCATIONAL REHABILITATION SERVICES

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 352.001. DEFINITIONS. In this chapter:

4 (1) "Direct services" means services provided to a
5 client by a commission employee, including counseling,
6 facilitating the purchase of services from a source other than the
7 commission, and purchasing equipment and other items and providing
8 other services necessary for the client to successfully complete a
9 commission program.

10 (2) "Direct services program" means a program operated
11 by the commission through which direct services are provided.

12 (3) "Individual with a disability" means an individual
13 who has a physical impairment, including a visual impairment, or
14 mental impairment that constitutes a substantial impediment to
15 employment, but that is of a nature that rehabilitation services
16 may be expected to enable the individual to engage in a gainful
17 occupation.

18 (4) "Maintenance" means money payments not exceeding
19 the estimated cost of subsistence during vocational
20 rehabilitation.

21 (5) "Occupational license" means a license, permit, or
22 other written authorization required by a governmental entity as a
23 condition for engaging in an occupation.

24 (6) "Physical restoration" means medical, surgical,
25 or therapeutic treatment necessary to correct or substantially
26 reduce a substantial impediment to employment of an individual with
27 a disability within a reasonable period of time. The term includes

1 medical, surgical, dental, and psychiatric treatment, nursing
2 services, hospital care, convalescent home care, drugs, medical and
3 surgical supplies, and prosthetic appliances. The term excludes
4 treatment to cure acute or transitory conditions.

5 (7) "Prosthetic appliance" means an artificial device
6 necessary to support or replace a part of the body or to increase
7 the acuity of a sensory organ.

8 (8) "Rehabilitation training" means all necessary
9 training provided to an individual with a disability to compensate
10 for a substantial impediment to employment. The term includes
11 manual, preconditioning, prevocational, vocational, and
12 supplementary training and training to achieve broader and more
13 lucrative skills and capacities.

14 (9) "Substantial impediment to employment" means a
15 physical or mental condition that obstructs or impairs, or if not
16 corrected will probably obstruct or impair, an individual's
17 performance in an occupation.

18 (10) "Vocational rehabilitation" or "vocational
19 rehabilitation services" means services that are provided directly
20 by the commission or through a public or private agency and that the
21 commission determines are necessary to compensate an individual
22 with a disability for a substantial impediment to employment so
23 that the individual may engage in a remunerative occupation. The
24 terms include:

25 (A) medical and vocational diagnosis;

26 (B) vocational guidance, counseling, and
27 placement;

- 1 (C) rehabilitation training;
- 2 (D) physical restoration;
- 3 (E) transportation;
- 4 (F) occupational licenses;
- 5 (G) customary occupational tools and equipment;
- 6 (H) maintenance;
- 7 (I) training books and materials; and
- 8 (J) other goods and services for which the
9 commission receives financial support under federal law.

10 Sec. 352.002. PURPOSE. It is the policy of this state to
11 provide vocational rehabilitation services to eligible individuals
12 with disabilities so that those individuals may prepare for and
13 engage in a gainful occupation.

14 Sec. 352.003. REHABILITATION COUNCIL OF TEXAS. (a) The
15 Rehabilitation Council of Texas operates in accordance with the
16 federal Rehabilitation Act Amendments of 1992, Pub. L. No. 102-569,
17 and the federal Rehabilitation Act Amendments of 1998, Pub. L. No.
18 105-220.

19 (b) The Rehabilitation Council of Texas shall report to and
20 advise the commission on the council's activities and the results
21 of the council's work. For the purpose of performing its advisory
22 functions, the council shall work with the commission, the
23 executive director, and other commission staff.

24 (c) The commission shall adopt rules for the administration
25 of the council.

26 Sec. 352.004. RECEIPT AND DISBURSEMENT OF STATE AND FEDERAL
27 FUNDS. (a) The comptroller is custodian of federal funds received

1 by the state to implement federal law relating to vocational
2 rehabilitation.

3 (b) The commission shall certify for disbursement funds
4 available for the vocational rehabilitation program in accordance
5 with regulations.

6 (c) The comptroller shall disburse state and federal
7 vocational rehabilitation funds on certification by the
8 commission.

9 Sec. 352.005. GIFTS, DONATIONS, AND OTHER MONEY. (a) The
10 commission shall deposit all money paid to the commission under
11 this chapter in the state treasury. The money may be used only for
12 the administration of this chapter.

13 (b) The commission may receive and use gifts and donations
14 for carrying out the purposes of this chapter. A person may not
15 receive payment for solicitation of any funds.

16 Sec. 352.006. MISUSE OF INFORMATION. Except for purposes
17 directly connected with the administration of the vocational
18 rehabilitation program and according to commission rules, no person
19 may solicit, disclose, receive, use, or knowingly permit the use of
20 records or other information concerning an applicant for or
21 recipient of vocational rehabilitation services that is directly or
22 indirectly acquired by an officer or employee of the state or its
23 political subdivisions in the course of the person's official
24 duties.

25 Sec. 352.007. CRIMINAL HISTORY RECORD INFORMATION.

26 (a) The commission may obtain criminal history record information
27 from the Texas Department of Criminal Justice and the Texas

1 Department of Public Safety if the criminal history records relate
2 to:

3 (1) an applicant selected for employment with the
4 commission whose potential duties include direct contact with
5 clients to provide vocational rehabilitation services or other
6 services under this subtitle;

7 (2) an applicant for vocational rehabilitation
8 services or other services under this subtitle from the commission;
9 or

10 (3) a client receiving vocational rehabilitation
11 services or other services under this subtitle.

12 (b) The Texas Department of Criminal Justice and the Texas
13 Department of Public Safety on request shall supply to the
14 commission criminal history record information relating to
15 applicants selected for employment with the commission whose
16 potential duties include direct contact with clients to provide
17 vocational rehabilitation services, applicants for vocational
18 rehabilitation services from the commission, or vocational
19 rehabilitation clients of the commission. The commission shall
20 treat all criminal history record information as privileged and
21 confidential and for commission use only.

22 (c) The commission by rule shall establish criteria for
23 denying a person's application for employment with the commission
24 to provide vocational rehabilitation services based on criminal
25 history record information obtained as authorized by this section.

26 Sec. 352.008. HEARINGS. An applicant for or recipient of
27 vocational rehabilitation services who is aggrieved by an action or

1 inaction under this chapter is entitled to a hearing by the
2 commission in accordance with law.

3 SUBCHAPTER B. GENERAL POWERS AND DUTIES

4 Sec. 352.051. VOCATIONAL REHABILITATION PROGRAM FOR
5 INDIVIDUALS WITH DISABILITIES. (a) The commission shall conduct a
6 program to provide vocational rehabilitation services to eligible
7 individuals with disabilities.

8 (b) To achieve the purposes of the program, the commission
9 may:

10 (1) cooperate with other public and private agencies
11 in studying the problems involved in providing vocational
12 rehabilitation and in establishing, developing, and providing
13 necessary or desirable facilities and services;

14 (2) enter into reciprocal agreements with other states
15 to provide vocational rehabilitation for the residents of the
16 states concerned; and

17 (3) conduct research and compile statistics relating
18 to the vocational rehabilitation of individuals with disabilities.

19 Sec. 352.052. COOPERATION WITH FEDERAL GOVERNMENT;
20 OBTAINING FEDERAL FUNDS. (a) The commission shall cooperate with
21 the federal government to accomplish the purposes of federal laws
22 relating to vocational rehabilitation for individuals with
23 disabilities and closely related activities.

24 (b) The commission shall negotiate agreements or plans with
25 the federal government and shall use efficient methods of
26 administration and comply with other conditions required to secure
27 the full benefits of the federal laws. If the commission determines

1 that a provision of state law precludes conformity with a federal
2 requirement and limits federal financial support, the commission
3 may waive or modify the state law to the extent necessary to obtain
4 the full benefits of the federal law.

5 (c) The commission may comply with any requirements
6 necessary to obtain federal funds to be used for vocational
7 rehabilitation services in the maximum amount and most advantageous
8 proportion possible.

9 Sec. 352.053. CONTRACTS FOR SERVICE. (a) The commission
10 shall include in its contracts with service providers under this
11 chapter provisions relating to:

12 (1) clearly defined and measurable program
13 performance standards that directly relate to the service provided;

14 (2) clearly defined penalties for nonperformance of a
15 contract term; and

16 (3) clearly specified accounting, reporting, and
17 auditing requirements applicable to money received under the
18 contract.

19 (b) The commission shall monitor a service provider's
20 performance under a contract for service under this chapter. In
21 monitoring performance, the commission shall:

22 (1) use a risk-assessment methodology to institute
23 statewide monitoring of contract compliance of service providers;
24 and

25 (2) evaluate service providers based on clearly
26 defined and measurable program performance objectives.

27 Sec. 352.054. RATES FOR MEDICAL SERVICES. (a) The

1 commission by rule shall adopt standards governing the
2 determination of rates paid for medical services provided under
3 this chapter. The rules must provide for an annual reevaluation of
4 the rates.

5 (b) The commission shall establish a schedule of rates based
6 on the standards adopted under Subsection (a). In adopting the rate
7 schedule, the commission shall:

8 (1) compare the proposed rate schedule to other
9 cost-based and resource-based rates for medical services,
10 including rates paid under Medicaid and the Medicare program; and

11 (2) for any rate adopted that exceeds the Medicaid or
12 Medicare rate for the same or a similar service, document the
13 reasons why the adopted rate reflects consideration of the best
14 value, provider availability, and consumer choice.

15 (c) The commission shall provide notice to interested
16 persons and allow those persons to present comments before adopting
17 the standards and schedule of rates under Subsections (a) and (b).

18 Sec. 352.055. CONTRACT PAYMENT. The commission shall base
19 payment under a contract for vocational rehabilitation services on
20 outcome-based performance standards defined in the contract.

21 Sec. 352.056. CONTRACTS FOR ADAPTIVE TECHNOLOGY. The
22 commission shall include in a contract under this chapter with a
23 supplier of adaptive technology equipment provisions that require
24 the supplier to provide training for clients receiving the adaptive
25 technology equipment.

26 Sec. 352.057. LOANS FOR VISUAL AIDS. (a) The commission
27 may establish a program to make loans to finance the purchase of

1 technological aids for individuals with visual impairments.

2 Interest on the loans may not exceed 10 percent per year.

3 (b) The commission may adopt rules to administer the loan
4 program.

5 Sec. 352.058. SUBROGATION. (a) By providing a person
6 rehabilitation services, including medical care services, under
7 this subchapter, the commission is subrogated to the person's right
8 of recovery from:

9 (1) personal insurance;

10 (2) another person for personal injury caused by the
11 other person's negligence or wrongdoing; or

12 (3) any other source.

13 (b) The commission's right of subrogation is limited to the
14 cost of the services provided.

15 (c) The commission may totally or partially waive the
16 commission's right of subrogation when the commission finds that
17 enforcement would tend to defeat the purpose of rehabilitation.

18 (d) The commission may adopt rules for the enforcement of
19 the commission's right of subrogation.

20 Sec. 352.059. WORK INCENTIVES AND SUPPLEMENTAL SECURITY
21 INCOME (SSI). The commission shall employ a person at the
22 commission's central office to:

23 (1) train counselors to understand and use work
24 incentives; and

25 (2) review cases to ensure that commission clients are
26 informed of the availability of and assisted in obtaining work
27 incentives and Supplemental Security Income (SSI) (42 U.S.C.

1 Section 1381 et seq.).

2 SUBCHAPTER C. PROVISION OF AND ELIGIBILITY FOR VOCATIONAL

3 REHABILITATION SERVICES

4 Sec. 352.101. INTEGRATION OF VOCATIONAL REHABILITATION
5 PROGRAMS. (a) Not later than October 1, 2017, and subject to
6 federal approval, the commission shall integrate into a single
7 vocational rehabilitation program the following programs that are
8 operated under the federal Rehabilitation Act of 1973 (29 U.S.C.
9 Sections 720 through 751):

10 (1) the vocational rehabilitation program for
11 individuals with visual impairments; and

12 (2) the vocational rehabilitation program for
13 individuals with other disabilities.

14 (b) Not later than October 1, 2017, to facilitate the
15 integration of the vocational rehabilitation programs identified
16 in Subsection (a), the commission shall at a minimum:

17 (1) reorganize the commission's vocational
18 rehabilitation services in order to provide services based on an
19 individual's functional need instead of an individual's type of
20 disability;

21 (2) develop a plan to support specialization of
22 vocational rehabilitation counselors in serving different client
23 populations, including sufficient specialization in individuals
24 with visual impairments to maintain expertise in serving that
25 population;

26 (3) redesign performance measures for the provision of
27 vocational rehabilitation services;

1 (4) consolidate policies for the provision of
2 vocational rehabilitation services; and

3 (5) recommend the adoption of any rules necessary to
4 implement this section.

5 (c) This section expires September 1, 2019.

6 Sec. 352.102. ELIGIBILITY FOR VOCATIONAL REHABILITATION
7 SERVICES. The commission shall provide vocational rehabilitation
8 services to individuals with disabilities eligible for those
9 services under federal law.

10 Sec. 352.103. PROVISION OF VOCATIONAL REHABILITATION
11 SERVICES. (a) The commission by rule shall establish and maintain
12 guidelines for providing vocational rehabilitation services that
13 are consistent with state and federal laws and that include:

14 (1) a system of organization for the delivery of
15 vocational rehabilitation services statewide;

16 (2) eligibility requirements for vocational
17 rehabilitation services;

18 (3) requirements for the rehabilitation planning
19 process;

20 (4) the types of services that may be provided to a
21 client through a vocational rehabilitation program; and

22 (5) requirements for client participation in the costs
23 of vocational rehabilitation services, including documentation
24 that a client has sought benefits for which the client is eligible
25 from sources other than the commission and that may assist the
26 client in obtaining vocational rehabilitation goods or services.

27 (b) The commission shall annually assess the effectiveness

1 of the state's vocational rehabilitation program.

2 Sec. 352.104. TRAINING AND SUPERVISION OF COUNSELORS.

3 (a) The commission shall provide specific guidance to vocational
4 rehabilitation counselors in:

5 (1) selecting vocational objectives according to a
6 client's skills, experience, and knowledge;

7 (2) documenting a client's impediment to employment;

8 (3) selecting rehabilitation services that are
9 reasonable and necessary to achieve a client's vocational
10 objective;

11 (4) measuring client progress toward the vocational
12 objective, including the documented, periodic evaluation of the
13 client's rehabilitation and participation; and

14 (5) determining eligibility of employed and
15 unemployed applicants for rehabilitation services using criteria
16 defined by commission rule to document whether a client is
17 substantially underemployed or at risk of losing employment.

18 (b) The commission by rule shall require monitoring and
19 oversight of vocational rehabilitation counselor performance and
20 decision making in accordance with this section.

21 Sec. 352.105. SPECIALIZED TRAINING FOR CERTAIN EMPLOYEES.

22 (a) The commission shall establish and require employee
23 participation in a specialized training program for certain
24 employees, including vocational rehabilitation transition
25 specialists and transition counselors, whose duties involve
26 assisting youth with disabilities to transition to post-schooling
27 activities, services for adults, or community living.

1 (b) The training program must provide employees with
2 information regarding:

3 (1) supports and services available from health and
4 human services agencies, as defined by Section 531.001, Government
5 Code, for:

6 (A) youth with disabilities who are
7 transitioning into post-schooling activities, services for adults,
8 or community living; and

9 (B) adults with disabilities;

10 (2) community resources available to improve the
11 quality of life for:

12 (A) youth with disabilities who are
13 transitioning into post-schooling activities, services for adults,
14 or community living; and

15 (B) adults with disabilities; and

16 (3) other available resources that may remove
17 transitional barriers for youth with disabilities who are
18 transitioning into post-schooling activities, services for adults,
19 or community living.

20 (c) In developing the training program required by this
21 section, the commission shall collaborate with health and human
22 services agencies, as defined by Section 531.001, Government Code,
23 as necessary.

24 Sec. 352.106. PAYMENT OF SHIFT DIFFERENTIALS. The
25 commission by rule may develop and implement policies allowing
26 shift differentials to be paid to employees in the vocational
27 rehabilitation program under this chapter.

1 Sec. 352.107. CLIENT ORIENTATION MATERIALS. The commission
2 shall develop and distribute at intake client orientation materials
3 for the vocational rehabilitation program that include information
4 on the commission's decision-making criteria.

5 Sec. 352.108. COORDINATION WITH TEXAS EDUCATION AGENCY.

6 (a) For purposes of this section, "transition services" means
7 services provided to students with disabilities to assist the
8 students in making the transition from secondary school to
9 postsecondary education programs or competitive integrated
10 employment.

11 (b) The commission and the Texas Education Agency shall
12 collaborate to develop a mechanism to identify the areas of the
13 state with the greatest needs for transition services for students
14 with disabilities. The mechanism must account for the commission's
15 limited resources and a school district's needs, including:

16 (1) the school district's resources for special
17 education;

18 (2) the number of students with disabilities in the
19 school district; and

20 (3) other factors that the commission and the Texas
21 Education Agency consider important.

22 (c) The commission and the Texas Education Agency shall
23 update the mechanism developed under Subsection (b) on a periodic
24 basis.

25 (d) The commission shall develop uniform, statewide
26 policies for transition services that include:

27 (1) the goal that a transition counselor initiate

1 contact with a student approximately three years before the student
2 is expected to graduate from high school;

3 (2) the minimum level of services to be provided to a
4 student at the time that a transition counselor initiates contact
5 with the student;

6 (3) standards, based on the mechanism developed under
7 Subsection (b), for assigning a transition counselor to a school
8 that ensure consistency among regions but that are not too
9 restrictive;

10 (4) expectations for transition counselors to develop
11 relationships with school personnel, including the employee
12 designated to serve as the school district's designee on transition
13 and employment services under Section 29.011(b), Education Code;
14 and

15 (5) expectations for regional commission staff to work
16 with education service center representatives on a regular basis to
17 identify areas of greatest need and to discuss local strategies for
18 coordination between transition counselors and schools.

19 (e) The commission and the Texas Education Agency shall
20 enter into a memorandum of understanding to comply with the
21 policies under this section and to improve coordination between the
22 agencies. The memorandum of understanding must include:

23 (1) strategies to better inform transition clients,
24 clients' families, and school personnel regarding the commission's
25 available services and contact information for commission
26 transition counselors; and

27 (2) a process to be used by the commission and the

1 Texas Education Agency to develop and update the mechanism used to
2 identify students who may need services.

3 (f) On or after September 1, 2016, but not later than
4 September 1, 2017:

5 (1) the commission and the Texas Education Agency
6 shall develop the mechanism required in Subsection (b) and enter
7 into the memorandum of understanding required in Subsection (e);
8 and

9 (2) the commission shall develop the policies
10 described in Subsection (d).

11 (g) Subsection (f) and this subsection expire September 1,
12 2018.

13 SECTION 24. (a) Chapter 351, Labor Code, as added by this
14 Act, is amended by adding Sections 351.0021 and 351.0022 to read as
15 follows:

16 Sec. 351.0021. LEGISLATIVE OVERSIGHT COMMITTEE. (a) In
17 this section, "committee" means the Legislative Oversight
18 Committee established under this section.

19 (b) The Legislative Oversight Committee is created to
20 facilitate the transfer of vocational rehabilitation services and
21 other services and programs under this subtitle with, to the
22 greatest degree possible, no negative effect on the delivery of
23 services to clients.

24 (c) The committee is composed of 11 voting members, as
25 follows:

26 (1) four members of the senate, appointed by the
27 lieutenant governor;

1 (2) four members of the house of representatives,
2 appointed by the speaker of the house of representatives; and

3 (3) three members of the public, appointed by the
4 governor.

5 (d) The executive commissioner, the commissioner of
6 assistive and rehabilitative services, and the executive director
7 serve as ex officio, nonvoting members of the committee.

8 (e) A member of the committee serves at the pleasure of the
9 appointing official.

10 (f) The lieutenant governor and the speaker of the house of
11 representatives shall each designate a presiding co-chair from
12 among their respective appointments.

13 (g) A member of the committee may not receive compensation
14 for serving on the committee but is entitled to reimbursement for
15 travel expenses incurred by the member while conducting the
16 business of the committee as provided by the General Appropriations
17 Act.

18 (h) The committee shall:

19 (1) facilitate the transfer of vocational
20 rehabilitation services and other services and programs under this
21 subtitle with, to the greatest degree possible, no negative effect
22 on the delivery of services to clients;

23 (2) advise the executive director, the executive
24 commissioner, and the commissioner of assistive and rehabilitative
25 services concerning:

26 (A) the services and programs to be transferred
27 under this subtitle and the funds and obligations that are related

1 to the services and programs; and

2 (B) the transfer of the services and programs and
3 related records, property, funds, and obligations from the
4 department to the commission as provided by this subtitle; and

5 (3) meet at the call of either chair.

6 (i) Chapter 551, Government Code, applies to the committee.

7 (j) The committee shall submit a report to the governor,
8 lieutenant governor, speaker of the house of representatives, and
9 legislature not later than December 1 of each even-numbered year.

10 The report must include an update on the progress of and issues
11 related to the transfer of vocational rehabilitation services and
12 other services and programs under this subtitle from the department
13 to the commission, including the need for any additional statutory
14 changes required to complete the transfer of services and programs
15 to the commission in accordance with this subtitle.

16 (k) The committee is abolished August 31, 2019.

17 (l) This section expires September 1, 2019.

18 Sec. 351.0022. TRANSITION PLAN. (a) The transfer of
19 vocational rehabilitation services and other services and programs
20 under this subtitle must be accomplished in accordance with a
21 transition plan developed by the executive director, the
22 commissioner of assistive and rehabilitative services, and the
23 executive commissioner that ensures that the transfer and provision
24 of services and programs are accomplished in a careful and
25 deliberative manner. Specifically, the transition plan must
26 include:

27 (1) the specific steps and methods for the transfer or

1 disposition of all obligations, rights, contracts, leases,
2 records, property, and funds, including unexpended and unobligated
3 appropriations, relating to the services and programs transferred
4 from the department to the commission under this subtitle,
5 including the plans for leased office or building space and the
6 transition of data and information technology systems supporting
7 the services and programs;

8 (2) the identification of all full-time equivalent
9 employee positions that are associated with the department's
10 administration of the services and programs to be transferred to
11 the commission, including the full-time equivalent employee
12 positions that are associated with the Health and Human Services
13 Commission's administrative support of those transferring services
14 and programs;

15 (3) measures to ensure that unnecessary disruption to
16 the provision of transferred services and programs does not occur;

17 (4) a strategy for integrating the department's
18 vocational rehabilitation staff into the commission's local
19 workforce development boards and centers as required by Section
20 351.004;

21 (5) a strategy for integrating vocational
22 rehabilitation programs for individuals with visual impairments
23 and for individuals with other disabilities as required by Section
24 352.101; and

25 (6) a schedule for implementing the transfer of the
26 services and programs.

27 (b) In developing the transition plan, the executive

1 director, the commissioner of assistive and rehabilitative
2 services, and the executive commissioner shall, before submitting
3 the plan to the Legislative Oversight Committee and the governor as
4 required by Subsection (d):

5 (1) hold public hearings in various geographic areas
6 in this state regarding the plan; and

7 (2) solicit and consider input from appropriate
8 stakeholders.

9 (c) To the extent allowed by federal law, public hearings
10 under Subsection (b) may be combined with other public hearings
11 required under federal law in relation to the adoption of a state
12 plan for vocational rehabilitation services.

13 (d) As soon as practicable after September 1, 2015, but not
14 later than March 1, 2016, the executive director, the commissioner
15 of assistive and rehabilitative services, and the executive
16 commissioner shall submit the transition plan to the Legislative
17 Oversight Committee and the governor. The Legislative Oversight
18 Committee shall comment on and make recommendations regarding any
19 concerns or adjustments to the transition plan the committee
20 determines appropriate. The executive director, the commissioner
21 of assistive and rehabilitative services, and the executive
22 commissioner may not finalize the transition plan until the
23 comments and recommendations of the committee regarding the
24 transition plan have been reviewed and considered.

25 (e) The department, commission, and Health and Human
26 Services Commission shall post on the agencies' respective Internet
27 websites:

1 (1) the transition plan developed under this section;

2 (2) any adjustments to the transition plan recommended
3 by the Legislative Oversight Committee;

4 (3) a statement regarding whether the recommended
5 adjustments were adopted or otherwise incorporated; and

6 (4) if a recommended adjustment was not adopted, the
7 justification for not adopting the adjustment.

8 (f) This section expires September 1, 2019.

9 (b) Not later than October 1, 2015:

10 (1) the lieutenant governor, the speaker of the house
11 of representatives, and the governor shall make the appointments to
12 the Legislative Oversight Committee as required by Section
13 351.0021, Labor Code, as added by this section; and

14 (2) the lieutenant governor and the speaker of the
15 house of representatives shall each designate a presiding co-chair
16 of the Legislative Oversight Committee in accordance with Section
17 351.0021, Labor Code, as added by this section.

18 (c) This section takes effect only if S.B. No. 200, 84th
19 Legislature, Regular Session, 2015, or similar legislation of the
20 84th Legislature, Regular Session, 2015:

21 (1) does not become law; or

22 (2) is enacted and becomes law, but does not provide
23 for the establishment of a Health and Human Services Transition
24 Legislative Oversight Committee to facilitate the consolidation of
25 the health and human services system in this state.

26 SECTION 25. (a) Section 531.0203, Government Code, as
27 added by S.B. No. 200, 84th Legislature, Regular Session, 2015, is

1 amended by adding Subsection (d-1) to read as follows:

2 (d-1) The commissioner of assistive and rehabilitative
3 services and the executive director of the Texas Workforce
4 Commission serve as ex officio, nonvoting members of the committee
5 in addition to the executive commissioner. This subsection expires
6 August 31, 2019.

7 (b) Chapter 351, Labor Code, as added by this Act, is
8 amended by adding Sections 351.0021 and 351.0022 to read as
9 follows:

10 Sec. 351.0021. ADDITIONAL DUTIES OF HEALTH AND HUMAN
11 SERVICES TRANSITION LEGISLATIVE OVERSIGHT COMMITTEE. (a) In this
12 section, "committee" means the Health and Human Services Transition
13 Legislative Oversight Committee established under Section
14 531.0203, Government Code.

15 (b) In addition to the requirements of Section 531.0203(h),
16 Government Code, the committee shall:

17 (1) facilitate the transfer of vocational
18 rehabilitation services and other services and programs under this
19 subtitle with, to the greatest degree possible, no negative effect
20 on the delivery of services to clients; and

21 (2) advise the executive director, the commissioner of
22 assistive and rehabilitative services, and the executive
23 commissioner concerning:

24 (A) the services and programs to be transferred
25 under this subtitle and the funds and obligations that are related
26 to the services and programs; and

27 (B) the transfer of the services and programs and

1 related records, property, funds, and obligations from the
2 department to the commission as provided by this subtitle.

3 (c) In addition to the requirements for the report specified
4 by Section 531.0203(j), Government Code, the committee shall
5 include in the report under that subsection an update on the
6 progress of and issues related to the transfer of vocational
7 rehabilitation services and other services and programs under this
8 subtitle from the department to the commission, including the need
9 for any additional statutory changes required to complete the
10 transfer of services and programs to the commission in accordance
11 with this subtitle.

12 (d) This section expires September 1, 2019.

13 Sec. 351.0022. TRANSITION PLAN. (a) In addition to the
14 requirements under Section 531.0204, Government Code, the
15 executive commissioner shall work with the executive director and
16 the commissioner of assistive and rehabilitative services to ensure
17 the transition plan under that section includes a plan for the
18 transfer of vocational rehabilitation services and other services
19 and programs from the department to the commission that ensures the
20 transfer is accomplished in a careful and deliberative manner.
21 Specifically, the transition plan must include:

22 (1) the specific steps and methods for the transfer or
23 disposition of all obligations, rights, contracts, leases,
24 records, property, and funds, including unexpended and unobligated
25 appropriations, relating to the services and programs transferred
26 from the department to the commission under this subtitle,
27 including the plans for leased office or building space and the

1 transition of data and information technology systems supporting
2 the services and programs;

3 (2) the identification of all full-time equivalent
4 employee positions that are associated with the department's
5 administration of the services and programs to be transferred to
6 the commission, including the full-time equivalent employee
7 positions that are associated with the Health and Human Services
8 Commission's administrative support of those transferring services
9 and programs;

10 (3) measures to ensure that unnecessary disruption to
11 the provision of transferred services and programs does not occur;

12 (4) a strategy for integrating the department's
13 vocational rehabilitation staff into the commission's local
14 workforce development boards and centers as required by Section
15 351.004;

16 (5) a strategy for integrating vocational
17 rehabilitation programs for individuals with visual impairments
18 and for individuals with other disabilities as required by Section
19 352.101; and

20 (6) a schedule for implementing the transfer of the
21 services and programs.

22 (b) To the extent allowed by federal law, public hearings
23 held under Section 531.0204(c), Government Code, if appropriate,
24 may be combined with other public hearings required under federal
25 law in relation to the adoption of a state plan for vocational
26 rehabilitation services.

27 (c) The plan for the transfer of vocational rehabilitation

1 services and other services and programs required by this section
2 must be included as part of the transition plan submitted to the
3 Health and Human Services Transition Legislative Oversight
4 Committee, the governor, and the Legislative Budget Board under
5 Section 531.0204(e), Government Code, by the date prescribed by
6 that subsection. In addition, the plan must be separately
7 submitted to that committee and the governor as soon as practicable
8 after September 1, 2015. The committee shall comment on the plan in
9 conjunction with making comments on the transition plan as required
10 by Section 531.0204(e), Government Code.

11 (d) If in making comments and recommendations on the
12 transition plan under Section 531.0204(e), Government Code, the
13 Health and Human Services Transition Legislative Oversight
14 Committee has comments, concerns, or recommendations regarding the
15 elements of the plan required by this section, the committee shall
16 provide those comments, concerns, and recommendations to the
17 executive director and the commissioner of assistive and
18 rehabilitative services in addition to the executive commissioner.
19 The executive director, the commissioner of assistive and
20 rehabilitative services, and the executive commissioner may not
21 finalize the plan required by this section until the comments,
22 concerns, and recommendations of the committee specifically
23 regarding that plan have been reviewed and considered.

24 (e) This section expires September 1, 2019.

25 (c) Not later than October 1, 2015, the lieutenant governor,
26 the speaker of the house of representatives, and the governor shall
27 make the additional appointments to the Health and Human Services

1 Transition Legislative Oversight Committee required by Section
2 531.0203(d-1), Government Code, as added by this section.

3 (d) This section takes effect only if S.B. No. 200, 84th
4 Legislature, Regular Session, 2015:

5 (1) is enacted and becomes law; and

6 (2) provides for the establishment of a Health and
7 Human Services Transition Legislative Oversight Committee to
8 facilitate the consolidation of the health and human services
9 system in this state.

10 SECTION 26. Chapter 94, Human Resources Code, as amended by
11 S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015,
12 is transferred to Subtitle C, Title 4, Labor Code, as added by this
13 Act, redesignated as Chapter 355, Labor Code, and amended to read as
14 follows:

15 CHAPTER 355 [~~94~~]. VENDING FACILITIES OPERATED BY BLIND PERSONS

16 Sec. 355.001 [~~94.001~~]. DEFINITIONS. In this chapter:

17 (1) "Blind person" means a person having not more than
18 20/200 visual acuity in the better eye with correcting lenses or
19 visual acuity greater than 20/200 but with a limitation in the field
20 of vision such that the widest diameter of the visual field subtends
21 an angle no greater than 20 degrees.

22 [~~(1-a) "Department" means the Department of Assistive
23 and Rehabilitative Services.~~

24 [~~(1-b) "Executive commissioner" means the executive
25 commissioner of the Health and Human Services Commission.~~]

26 (2) "Vending facility" means a facility in which food,
27 drinks, drugs, novelties, souvenirs, tobacco products, notions, or

1 related items are sold regularly. The term excludes facilities
2 consisting solely of vending machines that do not compete directly
3 or indirectly with a facility that is or could be operated by a
4 person with a disability.

5 (3) "State property" means land and buildings owned,
6 leased, or otherwise controlled by the state.

7 (4) "Agency" means the state agency in charge of state
8 property.

9 (5) "Disability" means a physical or mental condition
10 that the commission [~~department~~] determines to constitute a
11 substantial vocational disadvantage.

12 Sec. 355.002 [~~94.002~~]. LICENSE OR PERMIT REQUIRED. (a) No
13 person may operate a vending facility or a facility with vending
14 machines or other coin-operated devices on state property unless
15 the person is licensed to do so by the commission [~~department~~] or is
16 authorized to do so by an agency granted a permit to arrange for
17 vending facilities.

18 (b) Subsection (a) does not apply to a building in which the
19 Texas Facilities Commission leases space to a private tenant under
20 Subchapter E, Chapter 2165, Government Code.

21 Sec. 355.003 [~~94.003~~]. LICENSING PROCEDURE. (a) On its
22 own initiative or at the request of an agency that controls state
23 property, the commission [~~department~~] shall survey the property, or
24 blueprints and other available information concerning the
25 property, to determine whether the installation of a vending
26 facility is feasible and consonant with the commission's
27 [~~department's~~] vocational rehabilitation objectives.

1 (b) If the installation of the facility is feasible, the
2 commission [~~department~~] shall either license a blind person to
3 operate a facility to be installed by the commission [~~department~~]
4 or install a facility to be operated by a person with a disability
5 who is not blind according to rules and procedures adopted by the
6 commission [~~executive commissioner~~].

7 Sec. 355.004 [~~94.004~~]. LOCATION OF VENDING FACILITIES.

8 (a) With the concurrence of the agency in charge of state
9 property, the commission [~~department~~] shall designate the location
10 of vending facilities that have been requested by the agency.

11 (b) The agency responsible for state property shall alter
12 the property to make it suitable for the proper operation of the
13 vending facilities. To this end, the agency in charge of
14 constructing new state property shall consult with the commission
15 [~~department~~] during the planning stage on the construction.

16 Sec. 355.005 [~~94.005~~]. ISSUANCE OF LICENSES; ELIGIBILITY.

17 (a) The commission [~~department~~] may issue a license to operate its
18 vending facilities on state property to blind citizens of the state
19 who are capable of operating the facilities in a manner that is
20 reasonably satisfactory to all parties concerned.

21 (b) Before issuing a license to a person, the commission
22 [~~department~~] shall determine whether the person has the physical,
23 psychological, and personal traits and abilities required to
24 operate a vending facility in a satisfactory manner.

25 (c) The commission [~~department~~] shall maintain a roster of
26 the names of each person who has been certified as suitable for
27 licensing. If two or more equally qualified persons are listed on

1 the roster and apply for a license to operate an available vending
2 facility, the commission [~~department~~] shall issue the license to
3 the person who is most in need of employment.

4 (d) The granting of a license does not vest the licensee
5 with property or other rights which may constitute the basis of a
6 cause of action, at law or in equity, against the state or its
7 officers or employees.

8 Sec. 355.006 [~~94.006~~]. EXPIRATION, RENEWAL, AND REVOCATION
9 OF LICENSES. (a) A license or general permit to operate a vending
10 facility on state property is valid for a period of three years from
11 the date it is issued.

12 (b) The commission [~~department~~] shall review each license
13 or permit prior to its expiration and shall issue a new or different
14 license or permit as the circumstances warrant.

15 (c) The commission [~~department~~] and the agency may consent
16 mutually to revoke a general permit prior to its expiration if
17 changed circumstances warrant that action.

18 (d) A blind person's wilful failure to comply with the
19 commission's [~~department's~~] rules or the provisions of this chapter
20 constitutes grounds for the automatic revocation of the person's
21 license.

22 (e) The commission [~~executive commissioner~~] shall adopt
23 substantive and procedural rules governing the revocation of
24 licenses.

25 Sec. 355.007 [~~94.007~~]. OPERATION OF VENDING FACILITIES BY
26 CERTAIN PERSONS WHO ARE NOT BLIND. If the commission [~~department~~]
27 determines that a blind person could not properly operate a vending

1 facility at a particular location, the commission [~~department~~] may
2 survey the property to determine whether a person with a disability
3 that is not of a visual nature could operate the facility in a
4 proper manner.

5 Sec. 355.008 [~~94.008~~]. CLOSING CERTAIN FACILITIES
6 PROHIBITED. Neither a vending facility operated by an individual
7 with a disability, nor a vending facility location surveyed by the
8 commission [~~department~~], may be closed as a result of the transfer
9 of state property from one agency to another, the alteration of a
10 state building, or the reorganization of a state agency unless the
11 commission [~~department~~] agrees to the closing.

12 Sec. 355.009 [~~94.009~~]. EMPLOYMENT OF ASSISTANTS. (a) If
13 an individual licensed to operate a vending facility on state
14 property requires an assistant, a qualified person with a
15 disability of a visual nature must be given preference for
16 employment. If the commission [~~department~~] determines that a
17 person with a disability of a visual nature could not perform the
18 labor for which an assistant is required, or if a person with a
19 disability of a visual nature is not available, a person with a
20 disability that is not of a visual nature must be given preference
21 for employment. [~~If no person with a disability is available for~~
22 ~~the job, preference must be given to a person who is socially,~~
23 ~~culturally, economically, or educationally disadvantaged.~~]

24 (b) An assistant employed by a blind person licensed by the
25 commission [~~department~~] must be approved by the commission
26 [~~department~~], and the deliberate refusal of a blind licensee to
27 comply with this section constitutes grounds for the revocation of

1 the person's [~~his or her~~] license.

2 Sec. 355.010 [~~94.010~~]. COMPETING VENDING MACHINES.

3 (a) If the commission [~~department~~] and an agency agree to the
4 installation and operation of an additional vending facility or
5 vending machine on property that already has a commission-sponsored
6 [~~department-sponsored~~] vending facility, no additional permit or
7 license is required. However, the installation of a competing
8 vending facility consisting of vending machines or other
9 coin-operated devices must be authorized by the commission
10 [~~department~~]. The commission's [~~department's~~] authorization must
11 be made with a view toward providing the greatest economic benefits
12 for blind persons consonant with supplying the additional services
13 required at the building.

14 (b) State agencies shall cooperate and negotiate in good
15 faith to accomplish the purposes of this chapter.

16 (c) Individuals with disabilities who operate vending
17 facilities on state property are entitled to receive all
18 commissions from vending machines installed on the same property.
19 If two or more vending facilities are operated by individuals with
20 disabilities in a building in which vending machines are installed,
21 the commission [~~department~~] shall divide the commissions from the
22 vending machines among the operators with disabilities in a manner
23 that will achieve equity and equality in the incomes of those
24 operators. If the commission [~~department~~] has decided not to
25 locate a vending facility in a building, the agency to whom a
26 general permit has been issued shall determine the assignment of
27 the commissions from vending machines installed in the building.

1 Sec. 355.011 [~~94.011~~]. VENDING FACILITY EQUIPMENT AND
2 STOCK. (a) The commission [~~department~~] may supply a blind vending
3 facility operator with equipment and initial stock necessary for
4 the operator to begin business.

5 (b) The commission [~~department~~] shall collect and set aside
6 from the proceeds of the operation of its vending facilities enough
7 money:

8 (1) to insure a sufficient amount of initial stock for
9 the facilities and for their proper maintenance;

10 (2) to pay the costs of supervision and other expenses
11 incidental to the operation of the facilities; and

12 (3) to pay other program costs to the extent necessary
13 to assure fair and equal treatment of the blind persons licensed to
14 operate the facilities and to the extent allowed under federal
15 programs that provide financial support to the commission
16 [~~department~~].

17 (c) Except for purchasing and installing original
18 equipment, the operation of commission-sponsored
19 [~~department-sponsored~~] vending facilities must be as
20 self-supporting and self-sustaining as possible. To achieve this
21 end, the commission [~~department~~] shall periodically review and,
22 when necessary, revise its schedules for collecting and setting
23 aside money from the proceeds of its vending facilities.

24 Sec. 355.012 [~~94.012~~]. DUTIES AND PRIVILEGES OF PARTIES.

25 (a) The commission [~~executive commissioner~~] may promulgate rules
26 and [~~the department may~~] initiate procedures necessary to implement
27 this chapter.

1 (b) A blind person licensed to operate a vending facility on
2 state property shall operate the facility in accordance with law
3 and the commission's [~~department's~~] rules and policies.

4 (c) The agency in charge of state property shall cooperate
5 with the commission [~~department~~] and its blind licensees to
6 accomplish the purposes of this chapter. The agency shall also
7 furnish all necessary utility service, including connections and
8 outlets required for the installation of the facility, janitorial
9 and garbage disposal services where feasible, and other related
10 assistance.

11 Sec. 355.013 [~~94.013~~]. TRAINING PROGRAMS. The commission
12 [~~department~~] may establish training or experimentation locations
13 necessary to train blind persons who desire to be licensed to
14 operate vending facilities and to develop techniques which will
15 allow blind persons to operate the facilities or related types of
16 small businesses more efficiently and productively.

17 Sec. 355.014 [~~94.014~~]. CONFORMITY WITH FEDERAL STATUTES.

18 (a) This chapter shall be construed in a manner consistent with
19 the requirements of federal programs that provide financial
20 assistance to the commission [~~department~~].

21 (b) If a provision of this chapter conflicts with a federal
22 program requirement, the commission [~~department~~] may waive or
23 modify the provision to the extent necessary to secure the full
24 benefits of the federal program.

25 Sec. 355.015 [~~94.015~~]. APPLICATION OF CHAPTER. (a) This
26 chapter does not apply to:

27 (1) property over which the federal government

1 maintains partial or complete control;

2 (2) property maintained and operated by
3 state-supported institutions of higher education; provided,
4 however, that the commission [~~department~~] may enter into agreements
5 with state institutions of higher education concerning the use of
6 blind labor in vending facilities at the institutions; or

7 (3) property purchased by the state or an agency of the
8 state, property to which title is transferred from one state agency
9 to another, or property control of which is transferred from one
10 state agency to another, if:

11 (A) at the time of purchase or transfer of title
12 or control, a vending facility is being operated on the property
13 under lease, license, or contract; and

14 (B) prior to the time of purchase or transfer of
15 title or control, the provisions of this chapter were rendered
16 inapplicable to such property by this section or other law.

17 (b) This chapter does not apply to vending facilities
18 operated by an institution for persons with mental illness or
19 intellectual disabilities that is under the control of the
20 Department of State Health Services, the Department of Aging and
21 Disability Services, or a successor to one of those departments, if
22 the vending facilities are operated without profit for the benefit
23 of the patients at the institution.

24 (c) This chapter does not prohibit the commission
25 [~~department~~] from selecting blind persons to operate other suitable
26 types of vending facilities or business enterprises, and the
27 chapter does not prohibit the installation of automated vending

1 facilities serviced by blind persons.

2 Sec. 355.016 [~~94.016~~]. BUSINESS ENTERPRISES PROGRAM.

3 (a) The commission [~~department~~] is authorized to administer the
4 Business Enterprises Program in accordance with the provisions of
5 the Randolph-Sheppard Act (20 U.S.C. Section 107 et seq.).

6 (b) The commission [~~department~~] is authorized to administer
7 a retirement program for individuals licensed to operate vending
8 facilities in accordance with applicable state and federal laws.

9 (c) A trust fund for a retirement program for individuals
10 licensed to operate vending facilities under the Business
11 Enterprises Program is established with the comptroller. This
12 trust fund will be set up in the state treasury.

13 (d) All federal vending machine income shall be credited to
14 this Business Enterprises Program trust fund. Vending machine
15 income, as defined by 34 C.F.R. Section 395.1(z), means receipts
16 (other than those of a blind vendor) from vending machine
17 operations on federal property, after deducting the cost of goods
18 sold (including reasonable service and maintenance costs) in
19 accordance with customary business practices of commercial vending
20 concerns, where the machines are operated, serviced, or maintained
21 by, or with the approval of, a department, agency, or
22 instrumentality of the United States, or commissions paid (other
23 than to a blind vendor) by a commercial vending concern which
24 operates, services, and maintains vending machines on federal
25 property for, or with the approval of, a department, agency, or
26 instrumentality of the United States.

27 (e) All expenditures authorized by the Randolph-Sheppard

1 Act from federal vending revenue funds shall be paid from the
2 Business Enterprises Program trust fund.

3 (f) The commission [~~department~~] may contract with a
4 professional management service to administer the Business
5 Enterprises Program trust fund. In administering the trust fund,
6 the professional management service may acquire, exchange, sell, or
7 retain any kind of investment that a prudent investor, exercising
8 reasonable care, skill, and caution, would acquire, exchange, sell,
9 or retain under the circumstances, taking into consideration the
10 investment of all the assets of the trust fund.

11 (g) With the approval of the comptroller, the commission
12 [~~department~~] may select a commercial bank, depository trust
13 company, or other entity to serve as a custodian of the Business
14 Enterprises Program trust fund's securities, and money realized
15 from those securities, pending completion of an investment
16 transaction. Money realized from those securities must be:

17 (1) reinvested not later than one business day after
18 the date it is received; or

19 (2) deposited in the treasury not later than the fifth
20 business day after the date it is received.

21 SECTION 27. Section 301.0015, Property Code, is amended to
22 read as follows:

23 Sec. 301.0015. TEXAS WORKFORCE COMMISSION [~~CIVIL RIGHTS~~
24 ~~DIVISION~~]. The powers and duties exercised by the Commission on
25 Human Rights under this chapter are transferred to the Texas
26 Workforce Commission [~~civil rights division~~]. A reference in this
27 chapter to the "commission" means the Texas Workforce Commission

1 ~~[civil rights division]~~.

2 SECTION 28. The following provisions, including provisions
3 amended by, or redesignated and amended by, S.B. No. 219, Acts of
4 the 84th Legislature, Regular Session, 2015, are repealed:

5 (1) Subchapter F, Chapter 419, Government Code;

6 (2) Section 91.016(e), Human Resources Code;

7 (3) Section 111.016, Human Resources Code;

8 (4) Section 111.061, Human Resources Code;

9 (5) Section 117.058, Human Resources Code;

10 (6) Subchapters E and F, Chapter 117, Human Resources
11 Code; and

12 (7) Sections 301.151(3) and 301.152, Labor Code.

13 SECTION 29. (a) Except as provided by Subsection (b) of
14 this section, not later than September 1, 2016, the Texas Workforce
15 Commission shall adopt all rules, policies, and procedures required
16 by the changes in law made by this Act.

17 (b) Not later than September 1, 2017, the Texas Workforce
18 Commission shall adopt all rules, policies, and procedures required
19 by Subtitle C, Title 4, Labor Code, as added by this Act.

20 (c) Section 301.157, Labor Code, as added by this Act,
21 applies beginning with the annual report submitted to the governor
22 and the legislature by the Texas Workforce Commission that covers
23 the state fiscal year ending August 31, 2015.

24 SECTION 30. On the effective date of this Act, the human
25 rights commission that governed the Texas Workforce Commission
26 civil rights division under Section 301.153, Labor Code, before the
27 effective date of this Act is abolished. The validity of an action

1 taken by the human rights commission before that date is not
2 affected by the abolition. The changes in law made by this Act do
3 not affect a case or proceeding pending under Chapter 21, Labor
4 Code, or Chapter 301, Property Code, on the effective date of this
5 Act.

6 SECTION 31. (a) On September 1, 2016, subject to receipt
7 of federal approval, if required, for the Texas Workforce
8 Commission to administer vocational rehabilitation services and
9 other services and programs under Subtitle C, Title 4, Labor Code,
10 as added by this Act:

11 (1) those services and programs and related powers,
12 duties, functions, and activities, including rulemaking authority,
13 are transferred to the Texas Workforce Commission;

14 (2) all obligations and contracts of the Department of
15 Assistive and Rehabilitative Services that are related to a
16 transferred service or program are transferred to the Texas
17 Workforce Commission;

18 (3) all property and records in the custody of the
19 Department of Assistive and Rehabilitative Services, including
20 information technology systems, that are related to a transferred
21 service or program and all funds appropriated by the legislature
22 and other money for the service or program shall be transferred to
23 the Texas Workforce Commission; and

24 (4) all complaints, investigations, or contested
25 cases that are pending before the Department of Assistive and
26 Rehabilitative Services that are related to a transferred service
27 or program are transferred without change in status to the Texas

1 Workforce Commission.

2 (b) After a transfer of services and programs occurs under
3 Subsection (a) of this section, a rule or form adopted by the
4 executive commissioner of the Health and Human Services Commission
5 or by the Department of Assistive and Rehabilitative Services, as
6 applicable, that relates to a transferred service or program is a
7 rule or form of the Texas Workforce Commission and remains in effect
8 until altered by the Texas Workforce Commission.

9 (c) After a transfer of services and programs occurs under
10 Subsection (a) of this section, a reference in law to the executive
11 commissioner of the Health and Human Services Commission or the
12 Department of Assistive and Rehabilitative Services that relates to
13 a transferred service or program means the Texas Workforce
14 Commission.

15 (d) After a transfer of services and programs occurs under
16 Subsection (a) of this section, a license, permit, or certification
17 in effect that was issued by the Department of Assistive and
18 Rehabilitative Services and that relates to a transferred service
19 or program is continued in effect as a license, permit, or
20 certification of the Texas Workforce Commission.

21 SECTION 32. (a) As soon as practicable after the effective
22 date of this Act, the Texas Workforce Commission and the Health and
23 Human Services Commission, in consultation with the Texas
24 Facilities Commission, shall develop a plan for leased office or
25 building space where staff that will be affected by the transfer of
26 the administration of services and programs to the Texas Workforce
27 Commission under this Act are located. The plan developed under

1 this section must:

2 (1) identify all leased office or building space where
3 staff that will be affected by the transfers are located or
4 co-located;

5 (2) identify the term and costs of each existing
6 lease;

7 (3) identify the feasibility of canceling a lease or
8 consolidating office or building space based on the factors set out
9 in state law, including the General Appropriations Act;

10 (4) identify the location of each leased office or
11 building space and its proximity to relevant client populations;
12 and

13 (5) include a recommendation for either the
14 cancellation or continued use of each leased office or building
15 space based on the best values for the state.

16 (b) The plan for leased office or building space required by
17 Subsection (a) of this section must be included in the transition
18 plan as specified by Section 351.0022, Labor Code, as added by this
19 Act.

20 SECTION 33. (a) As soon as practicable after the effective
21 date of this Act, but not later than October 1, 2015, the Health and
22 Human Services Commission, the Department of Assistive and
23 Rehabilitative Services, and the Texas Workforce Commission shall
24 complete the development of a plan for transitioning data and
25 information technology systems that support the administration of
26 services and programs under Subtitle C, Title 4, Labor Code, as
27 added by this Act, from the Department of Assistive and

1 Rehabilitative Services and the Health and Human Services
2 Commission to the Texas Workforce Commission. The Legislature
3 finds that planning for the timely and successful transition of
4 data and information technology systems is essential to the
5 administration of these services and programs.

6 (b) The plan developed under this section must:

7 (1) identify the purpose or need for each of the data
8 and information technology systems;

9 (2) identify how the data and information technology
10 systems will be used;

11 (3) identify the date the data and information
12 technology system will be shared with the Texas Workforce
13 Commission;

14 (4) identify the persons or classes of persons at each
15 agency who require access to information to implement the plan;

16 (5) require the appropriate privacy and security
17 controls for access;

18 (6) limit the disclosure of personal information to
19 the minimum amount necessary to accomplish the purpose of the plan;
20 and

21 (7) to the extent federal approval is required to
22 implement any part of the plan, require the agencies to obtain the
23 required federal approvals before implementing that part of the
24 plan.

25 (c) Notwithstanding any other law, not later than October 1,
26 2015, the agencies shall share information as needed to implement
27 the plan developed under this section, subject to the plan's

1 requirements and execution of all agreements necessary to ensure
2 the privacy, security, and confidentiality of the information.

3 (d) The agencies shall coordinate activities under the plan
4 as needed to reflect any changes in circumstances or direction.

5 (e) The plan for transitioning data and information
6 technology systems that support the administration of services and
7 programs under Subtitle C, Title 4, Labor Code, as added by this
8 Act, required by Subsection (a) of this section must be included in
9 the transition plan as specified by Section 351.0022, Labor Code,
10 as added by this Act.

11 SECTION 34. The Department of Assistive and Rehabilitative
12 Services and the Texas Workforce Commission shall actively seek any
13 required federal approval to transfer the administration of
14 services and programs under Subtitle C, Title 4, Labor Code, as
15 added by this Act, from the department to the commission on
16 September 1, 2016.

17 SECTION 35. Except as otherwise provided by this Act, this
18 Act takes effect September 1, 2015.