

By: Naishtat

H.B. No. 1322

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Commission for the Deaf and Hard of Hearing.

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

SECTION 1. Section 81.001, Human Resources Code, is amended by adding Subdivision (4) to read as follows:

(4) "Deaf-blind" means:

(A) being legally blind and possessing a hearing impairment of such severity that a person cannot understand most speech even with the use of optimum amplification; or

(B) having a medical diagnosis of deteriorating hearing and vision expected to lead to the condition described by Paragraph (A).

SECTION 2. Sections 81.006(a) and (b), Human Resources Code, are amended to read as follows:

(a) The commission shall:

(1) develop and implement a statewide program of advocacy and education to ensure continuity of services to persons who are deaf, deaf-blind, or hard of hearing;

(2) provide direct services to persons who are deaf or hard of hearing, including communication access, information and referral services, advocacy services, services to elderly persons who are deaf or hard of hearing, and training in accessing basic life skills;

(3) work to ensure more effective coordination and

1 cooperation among public and nonprofit organizations providing  
2 social and educational services to individuals who are deaf or hard  
3 of hearing;

4 (4) maintain a registry of available qualified  
5 interpreters for persons who are deaf or hard of hearing by updating  
6 the registry at least quarterly and making the registry available  
7 to interested persons at cost;

8 (5) establish a system to approve and provide courses  
9 and workshops for the instruction and continuing education of  
10 interpreters for persons who are deaf or hard of hearing;

11 (6) ~~[annually adopt by rule a schedule of fees,~~  
12 ~~payable by the commission for interpreter services with graduated~~  
13 ~~fee amounts, that:~~

14 ~~[(A) reflects the skill level of the interpreter,~~  
15 ~~and~~

16 ~~[(B) applies only when the commission determines~~  
17 ~~that there is not sufficient competition among interpreter services~~  
18 ~~within a particular service region to provide interpreter services~~  
19 ~~at a fair market price,~~

20 ~~[(7)]~~ assist institutions of higher education in  
21 initiating training programs for interpreters and develop  
22 guidelines for instruction to promote uniformity of signs taught  
23 within those programs; ~~[and]~~

24 (7) ~~[(8)]~~ with the assistance of the Higher Education  
25 Coordinating Board ~~[Texas Education Agency]~~, develop standards for  
26 evaluation of the programs described by Subdivision (6); and

27 (8) develop guidelines to clarify the circumstances

1 under which interpreters certified by the commission are qualified  
2 to interpret effectively, accurately, and impartially, both  
3 receptively and expressively, using any necessary specialized  
4 vocabulary [~~(7)~~].

5 (b) The commission may:

6 (1) appoint one or more advisory committees to consult  
7 with and advise the commission;

8 (2) establish [~~charge~~] and collect training  
9 [~~authorized~~] fees and accept gifts, grants, and donations of money,  
10 personal property, or real property for use in expanding and  
11 improving services to persons of this state who are deaf or hard of  
12 hearing;

13 (3) adopt rules necessary to implement this chapter;

14 (4) contract with or provide grants to agencies,  
15 organizations, or individuals as necessary to implement this  
16 chapter;

17 (5) establish a reasonable fee and charge interpreters  
18 [~~and collect a fee~~] for training [~~interpreters in a reasonable~~  
19 ~~amount to be set by the commission~~] to defray the cost of conducting  
20 the training;

21 (6) develop guidelines for trilingual interpreter  
22 services; and

23 (7) provide training programs for persons who provide  
24 trilingual interpreter services.

25 SECTION 3. Sections 81.007(a), (b), (d), (e), (f), (g), and  
26 (i), Human Resources Code, are amended to read as follows:

27 (a) The commission may establish a program in accordance

1 with this section for the certification of interpreters who have  
2 reached varying levels of proficiency in communication skills  
3 necessary to facilitate communication between persons [~~communicate~~  
4 ~~with individuals~~] who are deaf or hard of hearing and persons who  
5 are not deaf or hard of hearing.

6 (b) The commission shall appoint an advisory [~~a~~] board of  
7 seven persons to assist in administering [~~administer~~] the  
8 interpreter certification program. A board member may not receive  
9 compensation, but is entitled to reimbursement of the travel  
10 expenses incurred by the member while conducting the business of  
11 the board, as provided in the General Appropriations Act.

12 (d) A qualified board member may serve as an evaluator under  
13 Subsection (c), and the commission shall compensate the board  
14 member for services performed as an evaluator [~~The commission shall~~  
15 ~~use the recommendations of the board in compiling a statewide~~  
16 ~~registry of interpreters by skill level. The registry must, in~~  
17 ~~addition to other pertinent information, include recommendations~~  
18 ~~relating to the appropriate selection and utilization of~~  
19 ~~interpreters for individuals who are deaf or hard of hearing. The~~  
20 ~~registry must be made available to and recommended for adoption by~~  
21 ~~state commissions, departments, and agencies].~~

22 (e) The commission shall charge fees for written and  
23 performance examinations [~~an application for certification~~], for  
24 annual certificate renewal [~~the administration of an examination~~],  
25 and for recertification [~~the renewal of a certificate~~]. The fees  
26 must be in an amount sufficient to recover the costs of the  
27 certification program.

1 (f) The commission may waive any prerequisite to obtaining a  
2 certificate for an applicant after reviewing the applicant's  
3 credentials and determining that the applicant holds a certificate  
4 issued by another jurisdiction that has certification requirements  
5 substantially equivalent to those of this state. [~~The commission  
6 may waive any prerequisite to obtaining a certificate for an  
7 applicant who holds a certificate issued by another jurisdiction  
8 with which this state has a reciprocity agreement. The commission  
9 may make an agreement, subject to the approval of the governor, with  
10 another state to allow for certification by reciprocity.~~]

11 (g) The commission by rule may adopt a system under which  
12 certificates are valid for a five-year period, subject to the  
13 certificate holder's payment of an annual certificate renewal fee.  
14 After expiration of the five-year period, an interpreter must be  
15 recertified by the commission. The commission may recertify an  
16 interpreter who:

17 (1) receives specified continuing education credits;

18 or

19 (2) achieves an adequate score on a specified  
20 examination [~~expire on various dates during the year. For the year  
21 in which the certificate expiration date is changed, the commission  
22 shall prorate certificate fees on a monthly basis so that each  
23 certificate holder pays only that portion of the certificate fee  
24 that is allocable to the number of months during which the  
25 certificate is valid. On renewal of the certificate on the new  
26 expiration date, the total certificate renewal fee is payable].~~

27 (i) The commission shall determine the frequency for

1 conducting [~~with which it will conduct~~] the interpreter  
2 examinations. The commission shall conduct the interpreter  
3 examinations:

4 (1) in Austin at the commission's office or in other  
5 space owned or leased by the state that can be obtained free of  
6 charge; or

7 (2) in other cities in this state in space that can be  
8 obtained free of charge.

9 SECTION 4. Section 81.0072, Human Resources Code, is  
10 amended to read as follows:

11 Sec. 81.0072. REVOCATION OR SUSPENSION OF CERTIFICATE. (a)  
12 The commission, based on the recommendation of the Board for  
13 Evaluation of Interpreters, may [~~shall~~] revoke or suspend a  
14 certificate or [~~7~~] place a certificate holder on probation [~~a~~  
15 ~~person whose certificate has been suspended, or reprimand an~~  
16 ~~interpreter certified by the commission~~] for a violation of a  
17 statute, rule, or policy of the commission. If a certificate holder  
18 is placed on probation [~~suspension is probated~~], the commission may  
19 require the practitioner:

20 (1) to report regularly to the commission on matters  
21 that are the basis of the probation;

22 (2) to limit practice to those areas prescribed by the  
23 commission; or

24 (3) to continue or renew professional education until  
25 a satisfactory degree of skill has been attained in those areas that  
26 are the basis of the probation.

27 (b) If the commission proposes to suspend or revoke a

1 ~~[person's]~~ certificate or place a certificate holder on probation,  
2 the certificate holder ~~[person]~~ is entitled to a hearing before the  
3 commission or a hearings officer appointed by the commission. All  
4 final decisions to suspend or revoke a certificate or place a  
5 certificate holder on probation shall be made by the commission.

6 SECTION 5. Sections 81.008(a) and (b), Human Resources  
7 Code, are amended to read as follows:

8 (a) The commission shall appoint an executive director with  
9 the approval of the governor and the commissioner of health and  
10 human services ~~[The commissioner of health and human services shall~~  
11 ~~employ an executive director in accordance with Section 531.0056,~~  
12 ~~Government Code].~~

13 (b) In selecting an executive director, the commission  
14 ~~[commissioner of health and human services]~~ shall give preference  
15 to a deaf or hard of hearing person.

16 SECTION 6. Section 81.013, Human Resources Code, is amended  
17 to read as follows:

18 Sec. 81.013. PRIVATE OUTDOOR TRAINING PROGRAMS FOR CHILDREN  
19 ~~[STUDENTS]~~ WHO ARE DEAF OR HARD OF HEARING. (a) The commission may  
20 contract with private entities to provide for the participation  
21 ~~[attendance]~~ of children ~~[students]~~ who are deaf or hard of hearing  
22 at outdoor recreational programs operated for the purpose of  
23 providing skill training and recreational experiences for children  
24 who are deaf or hard of hearing. Outdoor training programs under  
25 this section may also provide for participation by the parents of  
26 ~~[or for]~~ children who are deaf or hard of hearing ~~[and their~~  
27 ~~parents].~~

1 (b) In selecting children [~~students~~] to attend programs  
2 under this section, the commission shall select qualified children  
3 from across the state [~~students from each regional day school~~  
4 ~~program for the deaf, students from the Texas School for the Deaf,~~  
5 ~~and other children who are deaf or hard of hearing]~~ that the  
6 commission thinks will benefit from the program.

7 (c) The commission may request criminal history record  
8 information on any person who applies for a staff position in an  
9 outdoor training program from the Department of Public Safety in  
10 accordance with Section 411.1131, Government Code.

11 SECTION 7. Section 81.014(b), Human Resources Code, is  
12 amended to read as follows:

13 (b) The commission shall adopt rules establishing methods  
14 by which consumers and service recipients can be notified of the  
15 name, mailing address, and telephone number of the commission for  
16 the purpose of directing complaints to the commission. The  
17 commission may provide for such notification through inclusion of  
18 the information:

19 (1) on each registration form, application, or written  
20 contract for services of a person or entity regulated or authorized  
21 by this chapter;

22 (2) on a sign that is prominently displayed in the  
23 place of business of each person or entity regulated or authorized  
24 by this chapter; or

25 (3) on [~~in~~] a bill for service provided by a person or  
26 entity regulated or authorized by this chapter.

27 SECTION 8. Section 81.015, Human Resources Code, is amended



1 by adding Subsection (c) to read as follows:

2 (c) The commission may advertise to promote awareness and  
3 use of the programs, services, and activities conducted by the  
4 commission. The commission may not use money derived from state tax  
5 revenue to pay for advertisements under this subsection.

6 SECTION 9. Sections 81.016(a) and (d), Human Resources  
7 Code, are amended to read as follows:

8 (a) Before the commission contracts with or provides [~~a~~]  
9 grant funding to an agency, organization, or individual to provide  
10 direct services to persons who are deaf or hard of hearing, the  
11 commission shall make reasonable efforts to notify all potential  
12 service providers of the availability and purpose of the contract  
13 or grant.

14 (d) To ensure an equitable distribution of contract or grant  
15 funds, the commission shall develop a formula, based on population  
16 and region, to allocate those funds among the agencies,  
17 organizations, or individuals that are awarded the contracts or  
18 grants.

19 SECTION 10. Section 81.017(a), Human Resources Code, is  
20 amended to read as follows:

21 (a) The commission and each of the following agencies shall  
22 adopt a memorandum of understanding to coordinate the delivery of  
23 services to persons who are deaf or hard of hearing and to reduce  
24 duplication of services:

25 (1) the Texas Department of Human Services;

26 (2) the Texas Department of Mental Health and Mental  
27 Retardation;

- 1           (3) the Texas Workforce Commission;  
2           (4) the Texas Department of Health;  
3           (5) the Texas Higher Education Coordinating Board;  
4           (6) the Texas Education Agency;  
5           (7) the Texas Department on Aging;  
6           (8) the Texas School for the Deaf;  
7           (9) the Texas Rehabilitation Commission;  
8           (10) the institutional division of the Texas  
9 Department of Criminal Justice; and  
10           (11) any other state agency that provides or is  
11 required by law to provide [~~involved in providing~~] services to  
12 persons who are deaf or hard of hearing.

13           SECTION 11. Section 81.019, Human Resources Code, is  
14 amended to read as follows:

15           Sec. 81.019. SYMBOLS OR OTHER FORMS OF IDENTIFICATION FOR  
16 HEARING IMPAIRED PERSONS. (a) The commission shall design and  
17 provide for the issuance of a symbol or other form of identification  
18 [~~device~~] that may be attached to a motor vehicle regularly operated  
19 by a person who is deaf or hard of hearing.

20           (b) A person who is deaf or hard of hearing may apply to the  
21 commission for the symbol or other form of identification [~~device~~].  
22 The commission may require acceptable medical proof that a person  
23 is deaf or hard of hearing and may set a fee for each device or other  
24 form of identification to defray the costs of administering this  
25 section.

26           (c) The commission may contract with a state or local agency  
27 for the distribution of the symbol or other form of identification

1 ~~[device]~~.

2 SECTION 12. If the Act of the 78th Legislature, Regular  
3 Session, 2003, relating to nonsubstantive additions to and  
4 corrections in enacted codes takes effect, Chapter 81, Human  
5 Resources Code, is amended by adding Section 81.021 to read as  
6 follows:

7 Sec. 81.021. SPECIALIZED LICENSE PLATE PROGRAM. The  
8 commission shall develop rules and guidelines for the use of funds  
9 collected from the sale of specialized license plates under Section  
10 502.2722, Transportation Code, and appropriated to the commission  
11 in accordance with that section for direct services programs,  
12 training, and education.

13 SECTION 13. If the Act of the 78th Legislature, Regular  
14 Session, 2003, relating to nonsubstantive additions to and  
15 corrections in enacted codes does not take effect, Chapter 81,  
16 Human Resources Code, is amended by adding Section 81.021 to read as  
17 follows:

18 Sec. 81.021. SPECIALIZED LICENSE PLATE PROGRAM. The  
19 commission shall develop rules and guidelines for the use of funds  
20 collected from the sale of specialized licence plates under Section  
21 502.2735, Transportation Code, as added by Chapter 621, Acts of the  
22 77th Legislature, Regular Session, 2001, and appropriated to the  
23 commission in accordance with that section for direct services  
24 programs, training, and education.

25 SECTION 14. Subchapter B, Chapter 57, Government Code, is  
26 amended by adding Section 57.0211 to read as follows:

27 Sec. 57.0211. CERTIFIED COURT INTERPRETER ADVISORY

1 COMMITTEE. (a) The certified court interpreter advisory committee  
2 is established as an advisory committee to the commission. The  
3 committee is composed of not more than 10 members appointed by the  
4 commission. Members of the committee serve staggered six-year  
5 terms, with the terms of one-third, or as near to one-third as  
6 possible, of the members expiring on February 1 of each  
7 odd-numbered year.

8 (b) The commission by rule shall prescribe requirements for  
9 committee membership to ensure that the committee represents a  
10 variety of relevant interests.

11 (c) At the initial meeting of the committee and at the first  
12 meeting after new members take office, the committee shall select  
13 from its members a presiding officer.

14 (d) Members shall be appointed without regard to race, sex,  
15 religion, or ethnic origin. The membership of the committee must  
16 reflect the geographical and cultural diversity of the state.

17 (e) The commission may remove a member of the committee for  
18 inefficiency or neglect of duty. If a vacancy occurs on the  
19 committee, the commission shall appoint a member who represents the  
20 same interests as the former member to serve the unexpired term.

21 (f) The committee shall meet at least four times a year at  
22 the call of the presiding officer at a place designated by the  
23 presiding officer. A majority of the committee constitutes a  
24 quorum.

25 (g) The committee shall advise the commission regarding the  
26 administration of this subchapter.

27 (h) A committee member may not receive compensation but is

1 entitled to reimbursement of the travel expenses incurred by the  
2 member while conducting the business of the committee as provided  
3 in the General Appropriations Act.

4 (i) The committee is not subject to Chapter 2110, Government  
5 Code.

6 SECTION 15. Subchapter F, Chapter 411, Government Code, is  
7 amended by adding Section 411.1131 to read as follows:

8 Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD  
9 INFORMATION: TEXAS COMMISSION FOR THE DEAF AND HARD OF HEARING. (a)  
10 The Texas Commission for the Deaf and Hard of Hearing is entitled to  
11 obtain from the department criminal history record information  
12 maintained by the department that relates to a person who is an  
13 applicant for a staff position at an outdoor training program for  
14 children who are deaf or hard of hearing conducted by a private  
15 entity through a contract with the commission in accordance with  
16 Section 81.013, Human Resources Code.

17 (b) Criminal history record information obtained by the  
18 Texas Commission for the Deaf and Hard of Hearing under Subsection  
19 (a) may be used only to evaluate an applicant for a staff position  
20 at an outdoor training program for children who are deaf or hard of  
21 hearing. The Texas Commission for the Deaf and Hard of Hearing may  
22 release or disclose the information to a private entity described  
23 by Subsection (a) for that purpose.

24 (c) The Texas Commission for the Deaf and Hard of Hearing  
25 may not release or disclose information obtained under Subsection  
26 (a) except on court order and shall destroy all criminal history  
27 record information obtained under Subsection (a) after the

1 information is used for its authorized purpose.

2 SECTION 16. Sections 81.006(c) and 81.0071(b), Human  
3 Resources Code, are repealed.

4 SECTION 17. As soon as practicable after the effective date  
5 of this Act, the Texas Commission for the Deaf and Hard of Hearing  
6 shall appoint the initial members of the certified court  
7 interpreter advisory committee, as required by Section 57.0211,  
8 Government Code, as added by this Act. At the first meeting of the  
9 initial members of the board, the members shall draw lots to  
10 determine which members will serve initial terms expiring February  
11 1, 2005, which members will serve initial terms expiring February  
12 1, 2007, and which members will serve initial terms expiring  
13 February 1, 2009.

14 SECTION 18. This Act takes effect immediately if it  
15 receives a vote of two-thirds of all the members elected to each  
16 house, as provided by Section 39, Article III, Texas Constitution.  
17 If this Act does not receive the vote necessary for immediate  
18 effect, this Act takes effect September 1, 2003.