

BILL ANALYSIS

C.S.S.B. 208
By: Campbell
Economic & Small Business Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Workforce Commission (TWC) oversees and provides workforce development services to employers and job seekers, contracting with 28 local workforce development boards to provide a variety of services, such as job training, employment services, and child care. The agency also administers the state's unemployment insurance system and enforces state law to prevent and reduce employment and housing discrimination.

The TWC is subject to the Sunset Act and will be abolished on September 1, 2015, unless continued by the legislature. The Sunset Commission concluded the agency's functions are needed and have benefitted from integration into a single, locally driven workforce system. The Sunset Commission furthers that concept by recommending the transfer of services to help people with disabilities in finding jobs from the Department of Assistive and Rehabilitative Services to TWC, along with changes to improve the administration of these programs. In addition, the Sunset Commission recommends changes to several existing TWC programs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 11 of this bill. It is the committee's opinion that rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is transferred to the Texas Workforce Commission (TWC) in SECTIONS 23 and 26 of this bill, contingent on the TWC receiving any necessary federal approval to administer vocational rehabilitation services and other services and programs.

ANALYSIS

S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, was signed by the Governor on April 2, 2015, giving effect to the bill on that date. C.S.S.B. 208 makes technical and conforming changes to align with the changes in law enacted by S.B. 219.

Transfers vocational rehabilitation services and other related programs to the Texas Workforce Commission (TWC)

C.S.S.B. 208 creates a new Subtitle C to Title 4 of the Labor Code for vocational rehabilitation and certain other services for persons with disabilities. The bill defines "executive commissioner" to mean the executive commissioner of the Health and Human Services Commission (HHSC) and "department" to mean the Department of Assistive and Rehabilitation Services (DARS). The bill requires DARS or the TWC, as appropriate, to seek federal approval, if required, for the TWC, beginning September 1, 2016, to administer the following vocational

rehabilitation and related programs and services:

- vocational rehabilitation program for individuals with visual impairments;
- vocational rehabilitation program for individuals with visual impairments;
- vocational rehabilitation program for individuals with other disabilities;
- Independent Living Services Program for older individuals who are blind;
- Criss Cole Rehabilitation Center; and
- program for vending facilities operated by blind persons, including the Business Enterprises Program under the Randolph-Sheppard Act.

C.S.S.B. 208 requires DARS to administer these programs and services until September 1, 2016, at which time the TWC shall begin administration of these programs, subject to receipt of any required federal approval. The bill also requires the Rehabilitation Council of Texas to transfer to the TWC on September 1, 2016. These provisions expire on September 1, 2019.

C.S.S.B. 208 requires DARS or the TWC, as appropriate, to seek federal approval, if required to designate within the TWC the state unit under federal law that is responsible for administering the state's vocational rehabilitation program. The bill requires the TWC to establish a designated state unit within the TWC that is an organizational unit primarily responsible for vocational rehabilitation of individuals with disabilities; has a full-time director; has a staff employed on the rehabilitation work of the organizational unit, all or substantially all of whom are employed full-time on such work; and is located at an organizational level with status comparable to that of other major organizational units of the TWC. These provisions expire September 1, 2019. The bill also includes an instructional provision that requires DARS and the TWC to actively seek any required federal approval necessary to transfer the administration of the specified services and programs from the DARS to the TWC on September 1, 2016.

C.S.S.B. 208 requires the TWC to integrate vocational rehabilitation staff from DARS offices into the TWC's local workforce development boards and centers not later than August 31, 2018. This provision regarding local integration expires September 1, 2019.

C.S.S.B. 208 specifies that until the administration of Subtitle C, Title 4, Labor Code, is transferred from DARS to the TWC, a reference to the commission or the executive director in this subtitle means DARS, the commissioner of assistive and rehabilitative services, or the TWC executive commissioner, as applicable.

C.S.S.B. 208 adds a section to the Labor Code and amends certain chapters of the Human Resources Code to specify that the TWC has primary responsibility for providing vocational rehabilitation services and other services and programs under the new Subtitle C, Title 4, Labor Code, subject to the receipt of any required federal approval. A power or duty of the specified chapters, including rulemaking authority, of DARS, the commissioner of assistive and rehabilitative services, or the executive commissioner of the HHSC related to those services and programs, is a power or duty of the TWC. The bill requires all other state agencies engaged in vocational rehabilitation services or related services and programs to coordinate those activities with the TWC. The bill repeals provisions related to vocational rehabilitation services in the Human Resources Code and incorporates similar provisions into the Labor Code.

C.S.S.B. 208 transfers existing law governing vending facilities operated by blind persons from the Human Resources Code to the Labor Code to be part of the services administered by the TWC beginning on September 1, 2016, subject to any necessary federal approval.

C.S.S.B. 208 makes conforming changes in the Education Code, related to hospital and rehabilitation facilities that teach driver education, and the Government Code, related to

authorizing the TWC to access criminal history record information related to administration of vocational rehabilitation services and other services and programs under new Subtitle C, Title 4, Labor Code. The bill updates outdated language to conform to the person-first respectful initiative under the Government Code.

C.S.S.B. 208 includes an instructional provision that, subject to receipt of any necessary federal approval, for the TWC to administer the vocational rehabilitation services and other services and programs, the following are transferred to the TWC on September 1, 2016: those services and programs and related powers, duties, functions, and activities, including rulemaking authority; all obligations and contracts of DARS related to a transferred service or program; all property and records in the custody of DARS, including any related information technology systems, and all funds appropriated by the legislature and other money for the transferred service or program; and all complaints, investigations, or contested cases that are pending before DARS related to a transferred service or program. The bill specifies that after the transfer of services and programs occurs, a rule or form adopted by the executive commissioner of the HHSC or DARS, as applicable, related to a transferred service or program is a rule or form of the TWC and remains in effect until altered by the TWC; a reference in law to the executive commissioner of the HHSC or DARS related to a transferred service or program means the TWC; and a license, permit, or certification in effect that was issued by DARS related to a transferred service or program is continued in effect as a license, permit, or certification of the TWC.

C.S.S.B. 208 includes an instructional provision requiring the TWC and the HHSC, in consultation with the Texas Facilities Commission, to develop a plan for leased office or building space where staff that will be affected by the transfer of the administration of services and programs to the TWC are located. The bill requires the plan to identify all leased office or building space where staff that will be affected by the transfers are located or co-located; identify the term and costs of each existing lease; identify the feasibility of canceling a lease or consolidating office or building space based on the factors set out in state law, including the General Appropriations Act; identify the location of each leased office or building space and its proximity to relevant client populations; and include a recommendation for either the cancellation or continued use of each leased office or building space based on the best values for the state. The bill requires the plan for leased office or building space to be included in the transition plan of the legislative oversight committee enacted by this bill.

C.S.S.B. 208 includes an instructional provision requiring the HHSC, DARS, and the TWC to complete the development of a plan for transitioning data and information technology systems that support the administration of specified services and programs from DARS and the HHSC to the TWC, as soon as practicable after the effective date of this Act, but not later than October 1, 2015. The bill specifies that the legislature finds planning for the timely and successful transition of data and information technology systems is essential to the administration of these services and programs. The bill requires that the plan developed must identify the purpose or need for each of the data and information technology systems; how the data and information technology systems will be used; the date the data and information technology system will be shared with the TWC; and the persons or classes of persons at each agency who require access to information to implement the plan. The bill requires the plan to also require the appropriate privacy and security controls for access; limit the disclosure of personal information to the minimum amount necessary to accomplish the purpose of the plan; and, to the extent federal approval is required to implement any part of the plan, require the agencies to obtain the required federal approvals before implementing that part of the plan. The bill specifies that notwithstanding any other law, not later than October 1, 2015, the agencies must share information as needed to implement the plan, subject to the plan's requirements and execution of all agreements necessary to ensure the privacy, security, and confidentiality of the information. The bill requires the agencies to coordinate activities under the plan as needed to reflect any changes in circumstances or direction. The bill requires the plan for transitioning data and information technology systems that support the administration of the specified services and programs to be included in the transition plan of the legislative oversight committee enacted by this bill.

Establishes legislative oversight and transition plan for services moving from DARS to the TWC

C.S.S.B. 208 defines “committee” as the Legislative Oversight Committee, and establishes the committee to facilitate the transfer of vocational rehabilitation and related services and programs from DARS to the TWC under Subtitle C, Title 4 of the Labor Code, with no negative effect, to the greatest extent possible. The bill establishes the Legislative Oversight Committee with 11 voting members, including four members of the senate appointed by the lieutenant governor; four members of the house of representatives appointed by the speaker of the house of representatives; and three public members appointed by the governor; with each serving at the pleasure of the appointing official. The bill specifies that the executive commissioner, the commissioner of assistive and rehabilitative services, and the TWC executive director, serve as ex officio, nonvoting members. The bill requires the lieutenant governor and speaker of the house of representatives to each designate a presiding co-chair from among their respective appointments. The bill prohibits the Legislative Oversight Committee members from receiving compensation for serving on the committee, but entitles them to reimbursement for travel expenses incurred while conducting committee business. An instructional provision requires these appointments and the designation of co-chairs no later than October 1, 2015.

C.S.S.B. 208 requires the Legislative Oversight Committee to facilitate the transfer of vocational rehabilitation services and other services and programs described in the bill with, to the greatest degree possible, no negative effect on the delivery of services to clients. The bill also requires the Legislative Oversight Committee to advise the TWC executive director, the executive commissioner, and the commissioner of assistive and rehabilitative services concerning the services and programs to be transferred and related funds and obligations; and the transfer of the services and programs and related records, property, funds, and obligations from DARS to the TWC. The bill specifies that the Open Meetings Act applies to the Legislative Oversight Committee, and the committee shall meet at the call of either chair. The bill requires the Legislative Oversight Committee to submit a report to the governor, lieutenant governor, speaker of the house of representatives, and legislature not later than December 1 of each even-numbered year. The bill requires the report to include an update on the progress of and issues related to the transfer of vocational rehabilitation services and other services and programs from DARS to the TWC, including the need for any additional statutory changes required to complete the transfer of services and programs. The bill abolishes the Legislative Oversight Committee August 31, 2019 and specifies that the provisions related to the committee expire September 1, 2019.

C.S.S.B. 208 requires the transfer of vocational rehabilitation services and other services and programs be accomplished according to a transition plan (vocational rehabilitation transition plan) developed by the TWC executive director, commissioner of assistive and rehabilitative services, and the executive commissioner that ensures the transfer and provision of services and programs are accomplished in a careful and deliberative manner. The vocational rehabilitation transition plan must include specific steps and methods for the transfer or disposition of all obligations, rights, contracts, leases, records, property, and funds, relating to the services and programs transferred from DARS to the TWC, including plans for leased office or building space and the transition of the supporting data and information technology systems. The vocational rehabilitation transition plan must also include the identification of full-time equivalent employee positions associated with DARS administration and the HHSC’s administrative support of those transferring services and programs. The vocational rehabilitation transition plan must include measures to ensure the unnecessary disruption of transferred services does not occur; a strategy for integrating DARS vocational rehabilitation staff into the TWC local workforce development boards and centers; a strategy for integrating vocational rehabilitation programs for individuals with visual impairments and for individuals with other disabilities; and a schedule for implementing the transfer of the services and programs.

In developing the vocational rehabilitation transition plan, C.S.S.B. 208 requires the TWC

executive director, commissioner of assistive and rehabilitative services, and executive commissioner, before submitting the vocational rehabilitation transition plan to the Legislative Oversight Committee and the governor, to hold public hearings in various geographic areas in this state regarding the vocational rehabilitation transition plan and solicit and consider input from appropriate stakeholders. To the extent allowed by federal law, these public hearings may be combined with other public hearings required under federal law in relation to the adoption of a state plan for vocational rehabilitation services (vocational rehabilitation state plan). The bill requires submission of the vocational rehabilitation transition plan to the Legislative Oversight Committee and the governor, as soon as practicable after September 1, 2015, but not later than March 1, 2016. The bill requires the Legislative Oversight Committee to comment on and make recommendations regarding any concerns or adjustments to the vocational rehabilitation transition plan the committee determines appropriate. The bill prohibits finalizing the vocational rehabilitation transition plan until the comments and recommendations of the Legislative Oversight Committee have been reviewed and considered. The bill requires DARS, the TWC, and the HHSC to post the vocational rehabilitation transition plan and any adjustments to that plan on the agencies' respective Internet websites, as well as a statement regarding the disposition of recommended adjustments and justification for not adopting a recommended adjustment. These provisions expire September 1, 2019.

C.S.S.B. 208 includes an instructional provision that specifies that the provisions related to the Legislative Oversight Committee and vocational rehabilitation transition plan only take effect if S.B. 200, 84th Legislature, Regular Session, 2015, or similar legislation of the 84th Legislature, *does not* become law or does become law, but *does not* provide for the establishment of a Health and Human Services Transition Legislative Oversight Committee to facilitate the consolidation of the health and human services system in this state.

If S.B. 200 or similar legislation becomes law, C.S.S.B. 208 includes provisions to require the Health and Human Services Transition Legislative Oversight Committee established in that bill to serve in lieu of the separate Legislative Oversight Committee described above, including adding the commissioner of assistive and rehabilitative services and the TWC executive director as ex officio, nonvoting members to the Health and Human Services Transition Legislative Oversight Committee. The provision related to adding these ex officio members to the Health and Human Services Transition Legislative Oversight Committee expires August 31, 2019. The bill includes an instructional provision that requires the lieutenant governor, speaker of the house of representatives, and the governor, to make the additional appointments to the Health and Human Services Transition Legislative Oversight Committee not later than October 1, 2015.

C.S.S.B. 208 specifies that the definition of "committee" means the Health and Human Services Transition Legislative Oversight Committee, and the committee's additional duties shall include facilitating the transfer of vocational rehabilitation services and other services and programs with no negative effect on the delivery of services to clients, to the greatest degree possible and advising the TWC executive director, the commissioner of assistive and rehabilitative services, and the executive commissioner concerning: the services and programs to be transferred and related funds and obligations; and the transfer of the services and programs and related records, property, funds, and obligations from DARS to the TWC. The bill requires the Health and Human Services Transition Legislative Oversight Committee to include in its biennial report an update on the progress of and issues related to the transfer of vocational rehabilitation services and other services and programs from DARS to the TWC, including the need for any additional statutory changes required to complete the transfer of services and programs to the TWC. These provisions expire September 1, 2019.

C.S.S.B. 208 specifies that, in addition to the requirements for the transition plan to implement the health and human services consolidation (health and human services consolidation transition plan), the executive commissioner shall work with the TWC executive director and the commissioner of assistive and rehabilitative services to ensure the health and human services consolidation transition plan includes a plan for the transfer of vocational rehabilitation services

and other services and programs from DARS to the TWC that ensures the transfer is accomplished in a careful and deliberative manner.

C.S.S.B. 208 specifies that the health and human services consolidation transition plan must include the specific steps and methods for the transfer or disposition of all obligations, rights, contracts, leases, records, property, and funds, including unexpended and unobligated appropriations, relating to the services and programs transferred from the DARS to the TWC, including the plans for leased office or building space and the transition of data and information technology systems supporting the services and programs; the identification of all full-time equivalent employee positions that are associated with DARS administration of those services and programs, including the full-time equivalent employee positions that are associated with the HHSC's administrative support of those services and programs; measures to ensure that unnecessary disruption to the provision of transferred services and programs does not occur; a strategy for integrating DARS vocational rehabilitation staff into the TWC's local workforce development boards and centers; a strategy for integrating vocational rehabilitation programs for individuals with visual impairments and for individuals with other disabilities; and a schedule for implementing the transfer of the services and programs.

C.S.S.B. 208 provides that to the extent allowed by federal law, public hearings held to develop the health and human services consolidation transition plan, if appropriate, may be combined with other public hearings required under federal law in relation to the adoption of a vocational rehabilitation state plan. The bill specifies that the vocational rehabilitation transition plan must be included as part of the health and human services consolidation transition plan, submitted to the Health and Human Services Transition Legislative Oversight Committee, the governor, and the Legislative Budget Board by the health and human services consolidation transition plan's prescribed date. In addition, the vocational rehabilitation transition plan must be separately submitted to the Health and Human Services Transition Legislative Oversight Committee and the governor as soon as practicable after September 1, 2015. The bill specifies that the Human Services Transition Legislative Oversight Committee shall comment on the vocational rehabilitation transition plan in conjunction with making comments on and recommendations to the executive commissioner regarding any concerns or adjustments to the health and human services consolidation transition plan.

C.S.S.B. 208 provides that if in making comments and recommendations on the health and human services consolidation transition plan, the Health and Human Services Transition Legislative Oversight Committee has comments, concerns, or recommendations regarding the elements of the vocational rehabilitation transition plan, that committee shall provide those comments, concerns, and recommendations to the TWC executive director and the commissioner of assistive and rehabilitative services in addition to the executive commissioner. The bill provides that the TWC executive director, the commissioner of assistive and rehabilitative services, and the executive commissioner may not finalize the vocational rehabilitation transition plan until the comments, concerns, and recommendations of the Health and Human Services Transition Legislative Oversight Committee specifically regarding that plan have been reviewed and considered. The provisions related to the vocational rehabilitation transition plan expire September 1, 2019.

C.S.S.B. 208 includes an instructional provision that specifies that the provisions related to the additional duties of the Health and Human Services Transition Legislative Oversight Committee, and the additional requirements and contents of the health and human services consolidation transition plan only take effect if S.B. 200 both becomes law and provides for the establishment of a Health and Human Services Transition Legislative Oversight Committee to facilitate the consolidation of the health and human services system in this state.

Integrates vocational rehabilitation services

C.S.S.B. 208 requires the TWC to integrate into a single vocational rehabilitation program the

two current vocational rehabilitation programs for individuals with visual impairments and for individuals with other disabilities, subject to federal approval, not later than October 1, 2017. The bill requires the TWC to perform several tasks no later than October 1, 2017, to facilitate the integration. These tasks include, at a minimum, reorganizing services in order to provide services based on an individual's functional need instead of an individual's type of disability; developing a plan to support specialization of vocational rehabilitation counselors in serving different client populations, including sufficient specialization in individuals with visual impairments to maintain expertise in serving that population; redesigning vocational rehabilitation performance measures; consolidating vocational rehabilitation policies; and recommending the adoption of any rules necessary to implement these provisions. These provisions expire September 1, 2019.

C.S.S.B. 208 repeals certain provisions of Human Resources Code related to the separate vocational rehabilitation programs for individuals with visual impairments and for individuals with other disabilities and redrafts those provisions to relate more generally to a single, integrated vocational rehabilitation program in the Labor Code.

Requires a partnership with the Texas Education Agency on vocational rehabilitation transition services

C.S.S.B. 208 defines "transition services" as services provided to students with disabilities to assist the students in making the transition from secondary school to postsecondary education programs or competitive integrated employment. The bill requires the TWC and the Texas Education Agency (TEA) to collaborate to develop a mechanism to identify the areas of the state with the greatest needs for transition services for students with disabilities. The bill requires the TWC and the TEA to update this mechanism on a periodic basis and include certain factors in the mechanism.

C.S.S.B. 208 requires the TWC to develop uniform, statewide policies for transition services that include certain goals, standards, and expectations for staff. The bill requires the TWC and the TEA to enter into a memorandum of understanding to comply with the policies under this section and to improve coordination between the agencies, including certain strategies and processes.

C.S.S.B. 208 requires the TWC and the TEA to develop the mechanism, memorandum of understanding, and policies specified on or after September 1, 2016, but not later than September 1, 2017; and then the subsection setting this timing requirement expires September 1, 2018.

Authorizes the TWC to recover outstanding unemployment compensation debt through the federal Treasury Offset Program

C.S.S.B. 208 authorizes the TWC to collect covered unemployment compensation debt through the federal Treasury Offset Program authorized by federal law. The bill describes the kinds of covered debt the TWC may collect through the program.

C.S.S.B. 208 requires the TWC, before submitting covered unemployment compensation debt for recovery under the program to: notify the debtor by regular U.S. mail that the TWC plans to recover the debt through the offset of any federal tax refund; provide the debtor at least 60 days following the date the notice is provided to present evidence to the TWC that all or part of the debt is not legally enforceable, due to fraud or unreported earnings, or a contribution owed to the compensation fund; and consider any evidence presented by the debtor to determine the amount of debt that is legally enforceable and owed. The bill authorizes the TWC, in considering the evidence presented by a debtor, to determine only whether the debtor has demonstrated that the debt is not subject to recovery through the program and prohibits the TWC from reviewing the initial determination establishing the debtor's liability.

C.S.S.B. 208 requires the TWC to assess against the debtor the cost of any administrative fee

charged by the U.S. Department of the Treasury for each offset and authorizes the TWC to add that amount to the covered unemployment compensation debt that is offset under the program.

Abolishes the human rights commission and transfers its powers and duties to the Texas Workforce Commission

C.S.S.B. 208 abolishes the seven-member human rights commission and transfers its powers and duties to administer Labor Code provisions relating to employment discrimination and Property Code provisions relating to fair housing to the three-member Texas Workforce Commission. The bill makes other conforming changes to reflect this transfer of authority. The bill requires the TWC's public member to serve as chair when the commission acts under those Labor Code or Property Code provisions. The bill includes an instructional provision to specify that, on the effective date of this bill, the human rights commission that governed the TWC civil rights division before the effective date of this bill is abolished.

C.S.S.B. 208 replaces the human rights commission's three-commissioner panel with the three-member Texas Workforce Commission to determine reasonable cause in complaints filed under Labor Code provisions relating to employment discrimination. The bill includes an instructional provision that specifies that the validity of an action taken by the human rights commission before the effective date of this bill is not affected by its abolition, and that changes in law made by the bill do not affect a case or proceeding pending on the effective date of the bill.

Improves the functions of the Civil Rights Division

C.S.S.B. 208 adds a requirement in law for the TWC to have a civil rights division (division) and to establish policies for the division. The bill requires the TWC executive director to appoint the director to administer the powers and duties of the division and to supervise the director in administering the division's activities.

C.S.S.B. 208 requires the division, each state fiscal year, to collect and analyze information regarding employment discrimination complaints, other than complaints determined to be without merit, filed with the division against a state agency. The bill requires the information to include an analysis of the complaints, both by number and type, and key findings or trends the division identifies during the division's review of state agency personnel policies and procedures under the Labor Code. The bill requires the TWC to include the results of the division's analysis in the TWC's annual report to the governor and the legislature, and requires the division to exclude from the report any identifying information of a complainant or a state agency complaint as necessary to maintain confidentiality required by the TWC's contract with the federal Equal Employment Opportunity Commission or by other law. The bill includes an instructional provision that specifies that this requirement applies beginning with the annual report submitted to the governor and legislature by the TWC that covers the state fiscal year ending August 31, 2015.

C.S.S.B. 208 requires the TWC by rule to develop risk-assessment criteria for determining under which circumstances the TWC may conduct a review of a state agency's personnel policies and procedures more frequently than the regular six-year schedule. The bill requires the risk-assessment criteria to include data on complaints against a state agency; previous review findings; and any other related information collected and maintained by the TWC. The bill requires the TWC to annually review the reimbursements it received for conducting state agency personnel policies and procedures reviews to ensure that the TWC recovers the reasonable and necessary expenses incurred in conducting the reviews. The bill requires the TWC to adjust the reimbursement rate if the TWC determines, as a result of the most recent annual review, that the reimbursement rate is higher or lower than the rate required to recover those expenses.

C.S.S.B. 208 repeals Subchapter F, Chapter 419, Government Code, eliminating the requirement to review the administration of fire department tests to determine whether the tests were administered in compliance with Chapter 21, Labor Code.

Focuses the TWC on better managing its child care program

C.S.S.B. 208 requires the TWC's report to the legislature on the effectiveness of its child care program to include employment outcome information, disaggregated by local workforce development area, regarding parents receiving subsidized care under the program; and identify multiyear trends in the information collected and analyzed by the TWC, including trends in the information for at least the five state fiscal years preceding the date of the report.

C.S.S.B. 208 requires the TWC to include in its rules regarding the Texas Rising Star Program a timeline and process for regularly reviewing and updating the quality standards used to determine the rating system that includes the TWC's consideration of input from interested parties regarding those standards.

C.S.S.B. 208 requires the TWC to develop a policy for obtaining, through appropriate methods, input from interested parties regarding its subsidized child care program and for using that input in administering the program.

Enhances career school performance information available to the public

C.S.S.B. 208 requires the TWC to include in its searchable directory of career schools and colleges maintained on its website, information regarding any formal enforcement action taken by the commission against a school or college, including any revocation of the school's or college's certificate of authority; any assessment of administrative penalties against the school or college; and any suspension of admission of students to the school or college.

Continues the Texas Workforce Commission for 12 years

C.S.S.B. 208 changes the agency's Sunset review date to 2027 to continue the agency for 12 years.

C.S.S.B. 208 includes an instructional provision that requires the TWC to adopt all rules, policies, and procedures required by changes in law made by this bill not later than September 1, 2016; except for the rules, policies, and procedures required by Subtitle C, Title 4, Labor Code, as added by this Act, that must be adopted not later than September 1, 2017.

Repealers

C.S.S.B. 208 repeals the following provisions:

- Subchapter F, Chapter 419, Government Code;
- Section 91.016(e), Human Resources Code;
- Section 111.016, Human Resources Code;
- Section 111.061, Human Resources Code;
- Section 117.058, Human Resources Code;
- Subchapters E and F, Chapter 117, Human Resources Code; and
- Sections 301.151(3) and 301.152, Labor Code.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 208 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 132, Education Code, is amended.

SECTION 1. Same as engrossed version.

SECTION 2. Sections 132.201(a), (d), (e), and (f), Education Code, are amended to read as follows:

No equivalent provision.

(a) Certificate and registration fees, except those charged pursuant to Subsection (d), shall be collected by the commission. The commission by rule shall determine the amount of each fee. ~~Each fee shall be in an amount set by the commission in an amount not to exceed 150 percent of each fee in the following schedule:~~

~~[(1) the initial fee for a career school or college:~~

~~[(A) for a certificate of approval is \$2,000;~~
~~or~~

~~[(B) for a small career school or college certificate of approval is \$1,000;~~

~~[(2) the first renewal fee and each subsequent renewal fee for a career school or college is the greater of:~~

~~[(A) an amount that is determined by applying a percentage, not to exceed 0.3 percent, to the gross tuition and fees, excluding refunds as provided by Section 132.061 or 132.0611, of the school or college; or~~

~~[(B) \$500;~~

~~[(3) the initial registration fee for a representative is \$60;~~

~~[(4) the annual renewal fee for a representative is \$30;~~

~~[(5) the fee for a change of a name of a career school or college or owner is \$100;~~

~~[(6) the fee for a change of an address of a career school or college is \$180;~~

~~[(7) the fee for a change in the name or address of a representative or a change in the name or address of a career school or college that causes the reissuance of a representative permit is \$10;~~

~~[(8) the application fee for an additional program is \$150, except for seminars and workshops, for which the fee is \$25;~~

~~[(9) the application fee for a director, administrative staff member, or instructor is~~

\$15;

~~[(10) the application fee for the authority to grant degrees is \$2,000;~~

~~[(11) the application fee for an additional degree program is \$250; and~~

~~[(12) the fee for an inspection required by commission rule of classroom facilities that are separate from the main campus is \$250.]~~

(d) In connection with the regulation of any career school or college or program through a memorandum of understanding pursuant to Section 132.002(c), the commission by rule shall set an application and annual renewal fee in, ~~not to exceed \$2,000. The fee shall be~~ an amount reasonably calculated to cover the administrative costs associated with assuming the additional regulation.

(e) The commission by rule shall determine the amount of a ~~The~~ fee for an investigation at a career school or college to resolve a complaint filed against the school or college ~~is \$600~~. The fee may be charged only if:

(1) the complaint could not have been resolved by telephone or written correspondence only;

(2) a representative of the commission visits the school or college as a part of the complaint resolution process; and

(3) the school or college is found to be at fault.

(f) The commission may allow payment of any fee authorized under this section or under Section 132.2415 that exceeds \$1,000 to be paid by installment. The commission shall provide for appropriate interest charges and late penalties in addition to any other remedy that is provided for by law for the late payment of a fee installment authorized under this section. The commission may assess a reasonable service charge or interest to be paid by a career school or college that pays a fee by installment ~~in an amount not to exceed 10 percent annually of the fee that is to be paid by installment~~.

SECTION 3. Section 1001.104, Education Code, is amended.

SECTION 2. Same as engrossed version.

SECTION 4. The heading to Section 411.104, Government Code, is amended.

SECTION 3. Same as engrossed version.

SECTION 5. Effective September 1, 2016, Subchapter F, Chapter 411, Government Code, is amended.

SECTION 4. Same as engrossed version.

SECTION 6. Section 2308.3155(b), Government Code, is amended.

SECTION 5. Same as engrossed version.

SECTION 7. Effective September 1, 2016, Subchapter C, Chapter 91, Human Resources Code, is amended.

SECTION 6. Same as engrossed version.

SECTION 8. Effective September 1, 2016, Subchapter C, Chapter 111, Human Resources Code, is amended.

SECTION 7. Same as engrossed version.

SECTION 9. Effective September 1, 2016, Subchapter D, Chapter 117, Human Resources Code, is amended.

SECTION 8. Same as engrossed version.

SECTION 10. Section 21.0015, Labor Code, is amended.

SECTION 9. Same as engrossed version.

SECTION 11. Section 21.206, Labor Code, is amended.

SECTION 10. Same as engrossed version.

SECTION 12. Section 21.453, Labor Code, is amended.

SECTION 11. Same as engrossed version.

SECTION 13. Section 21.455, Labor Code, is amended.

SECTION 12. Same as engrossed version.

SECTION 14. Chapter 214, Labor Code, is amended.

SECTION 13. Same as engrossed version.

SECTION 15. Section 301.006(b), Labor Code, is amended.

SECTION 14. Same as engrossed version.

SECTION 16. Section 301.008, Labor Code, is amended.

SECTION 15. Same as engrossed version.

SECTION 17. Section 301.009(a), Labor Code, is amended.

SECTION 16. Same as engrossed version.

SECTION 18. Effective September 1, 2016, Subchapter D, Chapter 301, Labor Code, is amended.

SECTION 17. Substantially the same as engrossed version.

SECTION 19. Section 301.153, Labor Code, is amended.

SECTION 18. Same as engrossed version.

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

SECTION 19. Same as engrossed version.

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

SECTION 21. Subchapter I, Chapter 301,

SECTION 20. Same as engrossed version.

Labor Code, is amended.

SECTION 22. Section 302.0043(f), Labor Code, is amended.

SECTION 23. Subchapter A, Chapter 302, Labor Code, is amended.

SECTION 24. Title 4, Labor Code, is amended by adding Subtitle C.

SECTION 25. (a) Chapter 351, Labor Code, as added by this Act, is amended.

(b) Not later than October 1, 2015:

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

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

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

(1) does not become law; or

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

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

(b) Chapter 351, Labor Code, as added by this Act, is amended.

(c) Not later than October 1, 2015, the lieutenant governor, the speaker of the house of representatives, and the governor shall make the additional appointments to the Health and Human Services Transition Legislative Oversight Committee required by Section 531.0203(d-1), Government Code, as added by this section.

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

SECTION 21. Same as engrossed version.

SECTION 22. Same as engrossed version.

SECTION 23. Same as engrossed version.

SECTION 24. Same as engrossed version.

SECTION 25. Same as engrossed version.

- (1) is enacted and becomes law; and
- (2) provides for the establishment of a Health and Human Services Transition Legislative Oversight Committee to facilitate the consolidation of the health and human services system in this state.

SECTION 27. Chapter 94, Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Subtitle C, Title 4, Labor Code, as added by this Act, redesignated as Chapter 355, Labor Code, and amended.

SECTION 28. Section 301.0015, Property Code, is amended.

SECTION 29. The following provisions, including provisions amended by, or redesignated and amended by, S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 132.201(b), Education Code;
- (2) Subchapter F, Chapter 419, Government Code;
- (3) Section 91.016(e), Human Resources Code;
- (4) Section 111.016, Human Resources Code;
- (5) Section 111.061, Human Resources Code;
- (6) Section 117.058, Human Resources Code;
- (7) Subchapters E and F, Chapter 117, Human Resources Code; and
- (8) Sections 301.151(3) and 301.152, Labor Code.

SECTION 30. (a) Except as provided by Subsection (b) of this section, not later than September 1, 2016, the Texas Workforce Commission shall adopt all rules, policies, and procedures required by the changes in law made by this Act.

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

(c) Section 301.157, Labor Code, as added by this Act, applies beginning with the annual report submitted to the governor and the legislature by the Texas Workforce

SECTION 26. Same as engrossed version.

SECTION 27. Same as engrossed version.

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

- (1) Subchapter F, Chapter 419, Government Code;
- (2) Section 91.016(e), Human Resources Code;
- (3) Section 111.016, Human Resources Code;
- (4) Section 111.061, Human Resources Code;
- (5) Section 117.058, Human Resources Code;
- (6) Subchapters E and F, Chapter 117, Human Resources Code; and
- (7) Sections 301.151(3) and 301.152, Labor Code.

SECTION 29. Same as engrossed version.

Commission that covers the state fiscal year ending August 31, 2015.

SECTION 31. On the effective date of this Act, the human rights commission that governed the Texas Workforce Commission civil rights division under Section 301.153, Labor Code, before the effective date of this Act is abolished. The validity of an action taken by the human rights commission before that date is not affected by the abolition. The changes in law made by this Act do not affect a case or proceeding pending under Chapter 21, Labor Code, or Chapter 301, Property Code, on the effective date of this Act.

SECTION 32. (a) On September 1, 2016, subject to receipt of federal approval, if required, for the Texas Workforce Commission to administer vocational rehabilitation services and other services and programs under Subtitle C, Title 4, Labor Code, as added by this Act:

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

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

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

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

(b) After a transfer of services and programs occurs under Subsection (a) of this section, a rule or form adopted by the

SECTION 30. Same as engrossed version.

SECTION 31. Same as engrossed version.

executive commissioner of the Health and Human Services Commission or by the Department of Assistive and Rehabilitative Services, as applicable, that relates to a transferred service or program is a rule or form of the Texas Workforce Commission and remains in effect until altered by the Texas Workforce Commission.

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

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

SECTION 33. (a) As soon as practicable after the effective date of this Act, the Texas Workforce Commission and the Health and Human Services Commission, in consultation with the Texas Facilities Commission, shall develop a plan for leased office or building space where staff that will be affected by the transfer of the administration of services and programs to the Texas Workforce Commission under this Act are located. The plan developed under this section must:

- (1) identify all leased office or building space where staff that will be affected by the transfers are located or co-located;
- (2) identify the term and costs of each existing lease;
- (3) identify the feasibility of canceling a lease or consolidating office or building space based on the factors set out in state law, including the General Appropriations Act;
- (4) identify the location of each leased office or building space and its proximity to relevant client populations; and
- (5) include a recommendation for either the cancellation or continued use of each leased office or building space based on the best

SECTION 32. Same as engrossed version.

values for the state.

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

SECTION 34. (a) As soon as practicable after the effective date of this Act, but not later than October 1, 2015, the Health and Human Services Commission, the Department of Assistive and Rehabilitative Services, and the Texas Workforce Commission shall complete the development of a plan for transitioning data and information technology systems that support the administration of services and programs under Subtitle C, Title 4, Labor Code, as added by this Act, from the Department of Assistive and Rehabilitative Services and the Health and Human Services Commission to the Texas Workforce Commission. The Legislature finds that planning for the timely and successful transition of data and information technology systems is essential to the administration of these services and programs.

(b) The plan developed under this section must:

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

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

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

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

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

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

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

(c) Notwithstanding any other law, not later than October 1, 2015, the agencies shall

SECTION 33. Same as engrossed version.

share information as needed to implement the plan developed under this section, subject to the plan's requirements and execution of all agreements necessary to ensure the privacy, security, and confidentiality of the information.

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

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

SECTION 35. The Department of Assistive and Rehabilitative Services and the Texas Workforce Commission shall actively seek any required federal approval to transfer the administration of services and programs under Subtitle C, Title 4, Labor Code, as added by this Act, from the department to the commission on September 1, 2016.

SECTION 36. Except as otherwise provided by this Act, this Act takes effect September 1, 2015.

SECTION 34. Same as engrossed version.

SECTION 35. Same as engrossed version.