

By: Burkett

H.B. No. 3294

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

(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~~

1 ~~not to exceed 150 percent of each fee in the following schedule:~~

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

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

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

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

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

12 ~~[(B) \$500,~~

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

15 ~~[(4) the annual renewal fee for a representative is~~
16 ~~\$30,~~

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

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

21 ~~[(7) the fee for a change in the name or address of a~~
22 ~~representative or a change in the name or address of a career school~~
23 ~~or college that causes the reissuance of a representative permit is~~
24 ~~\$10,~~

25 ~~[(8) the application fee for an additional program is~~
26 ~~\$150, except for seminars and workshops, for which the fee is \$25,~~

27 ~~[(9) the application fee for a director,~~

1 ~~administrative staff member, or instructor is \$15;~~

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

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

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

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

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

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

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

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

25 (f) The commission may allow payment of any fee authorized
26 under this section or under Section 132.2415 that exceeds \$1,000 to
27 be paid by installment. The commission shall provide for

1 appropriate interest charges and late penalties in addition to any
2 other remedy that is provided for by law for the late payment of a
3 fee installment authorized under this section. The commission may
4 assess a reasonable service charge or interest to be paid by a
5 career school or college that pays a fee by installment [~~in an~~
6 ~~amount not to exceed 10 percent annually of the fee that is to be~~
7 ~~paid by installment~~].

8 SECTION 3. Section 1001.104, Education Code, is amended to
9 read as follows:

10 Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a)
11 The agency shall enter into a memorandum of understanding with the
12 state agency responsible for administering the vocational
13 rehabilitation program under Title 7-A, Human Resources Code,
14 [~~Texas Rehabilitation Commission~~] and the department for the
15 interagency development of curricula and licensing criteria for
16 hospital and rehabilitation facilities that teach driver
17 education.

18 (b) The agency shall administer comprehensive rules
19 governing driver education courses adopted by mutual agreement
20 among the agency, the state agency responsible for administering
21 the vocational rehabilitation program under Title 7-A, Human
22 Resources Code [~~Texas Rehabilitation Commission~~], and the
23 department.

24 SECTION 4. Section 411.117, Government Code, is amended to
25 read as follows:

26 Sec. 411.117. ACCESS TO CRIMINAL HISTORY RECORD
27 INFORMATION: DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES

1 AND TEXAS WORKFORCE COMMISSION. (a) The Department of Assistive
2 and Rehabilitative Services is entitled to obtain from the
3 department criminal history record information maintained by the
4 department that relates to a person who is:

5 (1) an applicant for services of the Department of
6 Assistive and Rehabilitative Services;

7 (2) a client of the Department of Assistive and
8 Rehabilitative Services; or

9 (3) an applicant for employment whose potential duties
10 include direct contact with clients of the Department of Assistive
11 and Rehabilitative Services.

12 (b) If the Texas Workforce Commission receives federal
13 approval to administer vocational rehabilitation services and
14 other services and programs under Title 7-A, Human Resources Code,
15 the commission is entitled to obtain from the department criminal
16 history record information maintained by the department that
17 relates to a person who is:

18 (1) an applicant selected for employment with the
19 commission whose potential duties include direct contact with
20 clients to provide vocational rehabilitation services;

21 (2) an applicant for vocational rehabilitation
22 services from the commission; or

23 (3) a client receiving vocational rehabilitation
24 services under Chapter 119, Human Resources Code.

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

27 (b) The commission shall adopt rules to administer the Texas

1 Rising Star Program, including:

2 (1) guidelines for rating a child-care provider who
3 provides child care to a child younger than 13 years of age,
4 including infants and toddlers, enrolled in the subsidized program;
5 and

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

10 SECTION 6. The heading to Subchapter C, Chapter 91, Human
11 Resources Code, is amended to read as follows:

12 SUBCHAPTER C. GENERAL POWERS AND DUTIES [~~OF THE COMMISSION~~]

13 SECTION 7. Subchapter C, Chapter 91, Human Resources Code,
14 is amended by adding Section 91.0211 to read as follows:

15 Sec. 91.0211. SERVICE DELIVERY BY TEXAS WORKFORCE
16 COMMISSION. If the Texas Workforce Commission receives federal
17 approval to administer vocational rehabilitation services and
18 other services and programs under Title 7-A:

19 (1) the Texas Workforce Commission has primary
20 responsibility for providing those services and programs,
21 notwithstanding Section 91.021(a); and

22 (2) a power or duty under this chapter, including
23 rulemaking authority, of the Department of Assistive and
24 Rehabilitative Services, the commissioner of assistive and
25 rehabilitative services, or the executive commissioner of the
26 Health and Human Services Commission that is applicable to those
27 services or programs is a power or duty of the Texas Workforce

1 Commission with respect to those services or programs.

2 SECTION 8. Subchapter C, Chapter 111, Human Resources Code,
3 is amended by adding Section 111.0511 to read as follows:

4 Sec. 111.0511. SERVICE DELIVERY BY TEXAS WORKFORCE
5 COMMISSION. If the Texas Workforce Commission receives federal
6 approval to administer vocational rehabilitation services and
7 other services and programs under Title 7-A:

8 (1) the Texas Workforce Commission has primary
9 responsibility for providing those services and programs,
10 notwithstanding Section 111.051;

11 (2) a power or duty under this chapter, including
12 rulemaking authority, of the Department of Assistive and
13 Rehabilitative Services, the commissioner of assistive and
14 rehabilitative services, or the executive commissioner of the
15 Health and Human Services Commission that is applicable to those
16 services or programs is a power or duty of the Texas Workforce
17 Commission with respect to those services or programs; and

18 (3) all other state agencies engaged in vocational
19 rehabilitation services or related services or programs shall
20 coordinate those activities with the Texas Workforce Commission.

21 SECTION 9. Subchapter D, Chapter 117, Human Resources Code,
22 is amended by adding Section 117.0711 to read as follows:

23 Sec. 117.0711. SERVICE DELIVERY BY TEXAS WORKFORCE
24 COMMISSION. If the Texas Workforce Commission receives federal
25 approval to administer vocational rehabilitation services and
26 other services and programs under Title 7-A:

27 (1) the Texas Workforce Commission has primary

1 responsibility for providing those services and programs,
2 notwithstanding Section 117.071; and

3 (2) a power or duty under this chapter, including
4 rulemaking authority, of the department, the commissioner, or the
5 executive commissioner that is applicable to those services or
6 programs is a power or duty of the Texas Workforce Commission with
7 respect to those services or programs.

8 SECTION 10. The Human Resources Code is amended by adding
9 Title 7-A to read as follows:

10 TITLE 7-A. VOCATIONAL REHABILITATION AND CERTAIN OTHER SERVICES
11 FOR PERSONS WITH DISABILITIES

12 CHAPTER 118. GENERAL PROVISIONS; RESPONSIBILITY FOR
13 ADMINISTRATION OF SERVICES

14 Sec. 118.001. DEFINITIONS. In this title:

15 (1) "Commission" means the Texas Workforce
16 Commission.

17 (2) "Department" means the Department of Assistive and
18 Rehabilitative Services.

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

21 (4) "Executive director" means the executive director
22 of the Texas Workforce Commission.

23 Sec. 118.002. RESPONSIBILITY FOR ADMINISTRATION OF
24 SERVICES. (a) The department shall administer the services and
25 programs under this title until:

26 (1) the department or commission receives federal
27 approval under Subsection (b) to transfer the administration of the

1 services and programs to the commission; and

2 (2) the commission publishes in the Texas Register:

3 (A) that the department or commission received
4 federal approval to transfer the administration of the services and
5 programs to the commission; and

6 (B) the date on which the transfer of the
7 administration of the services and programs to the commission will
8 occur.

9 (b) The department or commission, as appropriate, shall
10 seek federal approval under this section to:

11 (1) transfer to the commission not later than
12 September 1, 2016, administration of the services and programs
13 under this title that the department operates under the federal
14 Rehabilitation Act of 1973 (29 U.S.C. Sections 720 through 751),
15 including:

16 (A) the vocational rehabilitation program for
17 individuals with visual impairments;

18 (B) the vocational rehabilitation program for
19 individuals with other disabilities;

20 (C) the federal Social Security Disability
21 Determination program; and

22 (D) the program for vending facilities operated
23 by blind persons under Chapter 120; and

24 (2) designate the commission as the state unit under
25 29 U.S.C. Section 721 that is responsible for administering the
26 state's vocational rehabilitation program.

27 (c) On the date the services and programs described by

1 Subsection (b)(1) transfer to the commission, the Rehabilitation
2 Council of Texas transfers to the commission.

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

4 Sec. 118.003. INTEGRATION OF VOCATIONAL REHABILITATION
5 PROGRAMS; PROGRAM STAFF. (a) Subject to receiving federal
6 approval under Section 118.002 for the commission to administer the
7 services and programs under this title and not later than August 31,
8 2018, the commission shall integrate the vocational rehabilitation
9 staff from department offices into the commission's local workforce
10 development boards and centers.

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

12 Sec. 118.004. REFERENCES IN LAW MEANING TEXAS WORKFORCE
13 COMMISSION OR ITS EXECUTIVE DIRECTOR. If the administration of
14 this title is transferred from the department to the commission, a
15 reference to the commissioner of assistive and rehabilitative
16 services, the department, or the executive commissioner means the
17 commission or executive director, as applicable.

18 CHAPTER 119. VOCATIONAL REHABILITATION SERVICES

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 119.001. DEFINITIONS. In this chapter:

21 (1) "Direct services" means services provided to a
22 client by a department employee, including counseling,
23 facilitating the purchase of services from a source other than the
24 department, and purchasing equipment and other items and providing
25 other services necessary for the client to successfully complete a
26 department program.

27 (2) "Direct services program" means a program operated

1 by the department through which direct services are provided.

2 (3) "Individual with a disability" means an individual
3 who has a physical impairment, including a visual impairment, or
4 mental impairment that constitutes a substantial impediment to
5 employment, but that is of a nature that rehabilitation services
6 may be expected to enable the individual to engage in a gainful
7 occupation.

8 (4) "Maintenance" means money payments not exceeding
9 the estimated cost of subsistence during vocational
10 rehabilitation.

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

14 (6) "Physical restoration" means medical, surgical,
15 or therapeutic treatment necessary to correct or substantially
16 reduce a substantial impediment to employment of an individual with
17 a disability within a reasonable period of time. The term includes
18 medical, surgical, dental, and psychiatric treatment, nursing
19 services, hospital care, convalescent home care, drugs, medical and
20 surgical supplies, and prosthetic appliances. The term excludes
21 treatment to cure acute or transitory conditions.

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

25 (8) "Rehabilitation training" means all necessary
26 training provided to an individual with a disability to compensate
27 for a substantial impediment to employment. The term includes

1 manual, preconditioning, prevocational, vocational, and
2 supplementary training and training to achieve broader and more
3 lucrative skills and capacities.

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

8 (10) "Vocational rehabilitation" or "vocational
9 rehabilitation services" means services that are provided directly
10 by the department or through a public or private agency and that the
11 department determines are necessary to compensate an individual
12 with a disability for a substantial impediment to employment so
13 that the individual may engage in a remunerative occupation. The
14 terms include:

- 15 (A) medical and vocational diagnosis;
16 (B) vocational guidance, counseling, and
17 placement;
18 (C) rehabilitation training;
19 (D) physical restoration;
20 (E) transportation;
21 (F) occupational licenses;
22 (G) customary occupational tools and equipment;
23 (H) maintenance;
24 (I) training books and materials; and
25 (J) other goods and services for which the
26 department receives financial support under federal law.

27 Sec. 119.002. PURPOSE. It is the policy of this state to

1 provide vocational rehabilitation services to eligible individuals
2 with disabilities so that those individuals may prepare for and
3 engage in a gainful occupation.

4 Sec. 119.003. REHABILITATION COUNCIL OF TEXAS. (a) The
5 Rehabilitation Council of Texas operates in accordance with the
6 federal Rehabilitation Act Amendments of 1992, Pub. L. No. 102-569,
7 and the federal Rehabilitation Act Amendments of 1998, Pub. L. No.
8 105-220.

9 (b) The Rehabilitation Council of Texas shall report to and
10 advise the department on the council's activities and the results
11 of the council's work. For the purpose of performing its advisory
12 functions, the council shall work with the department, the
13 commissioner of assistive and rehabilitative services, and other
14 department staff.

15 (c) The executive commissioner shall adopt rules for the
16 administration of the council.

17 Sec. 119.004. RECEIPT AND DISBURSEMENT OF STATE AND FEDERAL
18 FUNDS. (a) The comptroller is custodian of federal funds received
19 by the state to implement federal law relating to vocational
20 rehabilitation.

21 (b) The executive commissioner shall certify for
22 disbursement funds available for the vocational rehabilitation
23 program in accordance with regulations.

24 (c) The comptroller shall disburse state and federal
25 vocational rehabilitation funds on certification by the executive
26 commissioner.

27 Sec. 119.005. GIFTS, DONATIONS, AND OTHER MONEY. (a) The

1 department shall deposit all money paid to the department under
2 this chapter in the state treasury. The money may be used only for
3 the administration of this chapter.

4 (b) The department may receive and use gifts and donations
5 for carrying out the purposes of this chapter. A person may not
6 receive payment for solicitation of any funds.

7 Sec. 119.006. MISUSE OF INFORMATION. Except for purposes
8 directly connected with the administration of the vocational
9 rehabilitation program and according to department rules, no person
10 may solicit, disclose, receive, use, or knowingly permit the use of
11 records or other information concerning an applicant for or
12 recipient of vocational rehabilitation services that is directly or
13 indirectly acquired by an officer or employee of the state or its
14 political subdivisions in the course of the person's official
15 duties.

16 Sec. 119.007. CRIMINAL HISTORY RECORD INFORMATION. (a)
17 The department may obtain criminal history record information from
18 the Texas Department of Criminal Justice and the Texas Department
19 of Public Safety if the criminal history records relate to:

20 (1) an applicant selected for employment with the
21 department whose potential duties include direct contact with
22 clients to provide vocational rehabilitation services;

23 (2) an applicant for vocational rehabilitation
24 services from the department; or

25 (3) a client receiving vocational rehabilitation
26 services under this chapter.

27 (b) The Texas Department of Criminal Justice and the Texas

1 Department of Public Safety on request shall supply to the
2 department criminal history record information relating to
3 applicants selected for employment with the department whose
4 potential duties include direct contact with clients to provide
5 vocational rehabilitation services, applicants for vocational
6 rehabilitation services from the department, or vocational
7 rehabilitation clients of the department. The department shall
8 treat all criminal history record information as privileged and
9 confidential and for department use only.

10 (c) The executive commissioner by rule shall establish
11 criteria for denying a person's application for employment with the
12 department to provide vocational rehabilitation services based on
13 criminal history record information obtained as authorized by this
14 section.

15 Sec. 119.008. HEARINGS. An applicant for or recipient of
16 vocational rehabilitation services who is aggrieved by an action or
17 inaction under this chapter is entitled to a hearing by the
18 department in accordance with law.

19 SUBCHAPTER B. GENERAL POWERS AND DUTIES

20 Sec. 119.051. VOCATIONAL REHABILITATION PROGRAM FOR
21 INDIVIDUALS WITH DISABILITIES. (a) The department shall conduct a
22 program to provide vocational rehabilitation services to eligible
23 individuals with disabilities.

24 (b) To achieve the purposes of the program, the department
25 may:

26 (1) cooperate with other public and private agencies
27 in studying the problems involved in providing vocational

1 rehabilitation and in establishing, developing, and providing
2 necessary or desirable facilities and services;

3 (2) enter into reciprocal agreements with other states
4 to provide vocational rehabilitation for the residents of the
5 states concerned; and

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

8 Sec. 119.052. COOPERATION WITH FEDERAL GOVERNMENT;
9 OBTAINING FEDERAL FUNDS. (a) The department shall cooperate with
10 the federal government to accomplish the purposes of federal laws
11 relating to vocational rehabilitation for individuals with
12 disabilities and closely related activities.

13 (b) The department shall negotiate agreements or plans with
14 the federal government and shall use efficient methods of
15 administration and comply with other conditions required to secure
16 the full benefits of the federal laws. If the department determines
17 that a provision of state law precludes conformity with a federal
18 requirement and limits federal financial support, the department
19 may waive or modify the state law to the extent necessary to obtain
20 the full benefits of the federal law.

21 (c) The department may comply with any requirements
22 necessary to obtain federal funds to be used for vocational
23 rehabilitation services in the maximum amount and most advantageous
24 proportion possible.

25 Sec. 119.053. CONTRACTS FOR SERVICE. (a) The department
26 shall include in its contracts with service providers under this
27 chapter provisions relating to:

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

3 (2) clearly defined penalties for nonperformance of a
4 contract term; and

5 (3) clearly specified accounting, reporting, and
6 auditing requirements applicable to money received under the
7 contract.

8 (b) The department shall monitor a service provider's
9 performance under a contract for service under this chapter. In
10 monitoring performance, the department shall:

11 (1) use a risk-assessment methodology to institute
12 statewide monitoring of contract compliance of service providers;
13 and

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

16 Sec. 119.054. RATES FOR MEDICAL SERVICES. (a) The
17 executive commissioner by rule shall adopt standards governing the
18 determination of rates paid for medical services provided under
19 this chapter. The rules must provide for an annual reevaluation of
20 the rates.

21 (b) The executive commissioner shall establish a schedule
22 of rates based on the standards adopted under Subsection (a). In
23 adopting the rate schedule, the executive commissioner shall:

24 (1) compare the proposed rate schedule to other
25 cost-based and resource-based rates for medical services,
26 including rates paid under the Medicaid and Medicare programs; and

27 (2) for any rate adopted that exceeds the Medicaid or

1 Medicare rate for the same or a similar service, document the
2 reasons why the adopted rate reflects consideration of the best
3 value, provider availability, and consumer choice.

4 (c) The executive commissioner shall provide notice to
5 interested persons and allow those persons to present comments
6 before adopting the standards and schedule of rates under
7 Subsections (a) and (b).

8 Sec. 119.055. CONTRACT PAYMENT. The department shall base
9 payment under a contract for vocational rehabilitation services on
10 outcome-based performance standards defined in the contract.

11 Sec. 119.056. CONTRACTS FOR ADAPTIVE TECHNOLOGY. The
12 department shall include in a contract under this chapter with a
13 supplier of adaptive technology equipment provisions that require
14 the supplier to provide training for clients receiving the adaptive
15 technology equipment.

16 Sec. 119.057. LOANS FOR VISUAL AIDS. (a) The department
17 may establish a program to make loans to finance the purchase of
18 technological aids for individuals with visual impairments.
19 Interest on the loans may not exceed 10 percent per year.

20 (b) The executive commissioner may adopt rules to
21 administer the loan program.

22 Sec. 119.058. SUBROGATION. (a) By providing a person
23 rehabilitation services, including medical care services, under
24 this subchapter, the department is subrogated to the person's right
25 of recovery from:

26 (1) personal insurance;

27 (2) another person for personal injury caused by the

1 other person's negligence or wrongdoing; or

2 (3) any other source.

3 (b) The department's right of subrogation is limited to the
4 cost of the services provided.

5 (c) The department may totally or partially waive the
6 department's right of subrogation when the department finds that
7 enforcement would tend to defeat the purpose of rehabilitation.

8 (d) The executive commissioner may adopt rules for the
9 enforcement of the department's right of subrogation.

10 Sec. 119.059. WORK INCENTIVES AND SUPPLEMENTAL SECURITY
11 INCOME (SSI). The department shall employ a person at the
12 department's central office to:

13 (1) train counselors to understand and use work
14 incentives; and

15 (2) review cases to ensure that department clients are
16 informed of the availability of and assisted in obtaining work
17 incentives and Supplemental Security Income (SSI) (42 U.S.C.
18 Section 1381 et seq.).

19 SUBCHAPTER C. VOCATIONAL REHABILITATION SERVICES

20 Sec. 119.101. INTEGRATION OF VOCATIONAL REHABILITATION
21 PROGRAMS. (a) Subject to federal approval, the department shall
22 integrate into a single vocational rehabilitation program the
23 following programs that are operated under the federal
24 Rehabilitation Act of 1973 (29 U.S.C. Sections 720 through 751):

25 (1) the vocational rehabilitation program for
26 individuals with visual impairments; and

27 (2) the vocational rehabilitation program for

1 individuals with other disabilities.

2 (b) Not later than September 1, 2016, to facilitate the
3 integration of the vocational rehabilitation programs identified
4 in Subsection (a), the department shall at a minimum:

5 (1) reorganize the department's vocational
6 rehabilitation services in order to provide services based on an
7 individual's functional need instead of an individual's type of
8 disability;

9 (2) develop a plan to support specialization of
10 vocational rehabilitation counselors in serving different client
11 populations, including sufficient specialization in individuals
12 with visual impairments to maintain expertise in serving that
13 population;

14 (3) redesign performance measures for the provision of
15 vocational rehabilitation services;

16 (4) consolidate policies for the provision of
17 vocational rehabilitation services; and

18 (5) recommend the adoption of any rules necessary to
19 implement this section.

20 (c) This section expires September 1, 2017.

21 Sec. 119.102. ELIGIBILITY FOR VOCATIONAL REHABILITATION
22 SERVICES. The department shall provide vocational rehabilitation
23 services to individuals with disabilities eligible for those
24 services under federal law.

25 Sec. 119.103. PROVISION OF VOCATIONAL REHABILITATION
26 SERVICES. (a) The executive commissioner by rule shall establish
27 and maintain guidelines for providing vocational rehabilitation

1 services that are consistent with state and federal laws and that
2 include:

3 (1) a system of organization for the delivery of
4 vocational rehabilitation services statewide;

5 (2) eligibility requirements for vocational
6 rehabilitation services;

7 (3) requirements for the rehabilitation planning
8 process;

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

11 (5) requirements for client participation in the costs
12 of vocational rehabilitation services, including documentation
13 that a client has sought benefits for which the client is eligible
14 from sources other than the department and that may assist the
15 client in obtaining vocational rehabilitation goods or services.

16 (b) The department shall annually assess the effectiveness
17 of the state's vocational rehabilitation program.

18 Sec. 119.104. TRAINING AND SUPERVISION OF COUNSELORS. (a)
19 The department shall provide specific guidance to vocational
20 rehabilitation counselors in:

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

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

24 (3) selecting rehabilitation services that are
25 reasonable and necessary to achieve a client's vocational
26 objective;

27 (4) measuring client progress toward the vocational

1 objective, including the documented, periodic evaluation of the
2 client's rehabilitation and participation; and

3 (5) determining eligibility of employed and
4 unemployed applicants for rehabilitation services using criteria
5 defined by department rule to document whether a client is
6 substantially underemployed or at risk of losing employment.

7 (b) The executive commissioner by rule shall require
8 monitoring and oversight of vocational rehabilitation counselor
9 performance and decision making in accordance with this section.

10 Sec. 119.105. SPECIALIZED TRAINING FOR CERTAIN EMPLOYEES.

11 (a) The department shall establish and require employee
12 participation in a specialized training program for certain
13 employees, including vocational rehabilitation transition
14 specialists and transition counselors, whose duties involve
15 assisting youth with disabilities to transition to post-schooling
16 activities, services for adults, or community living.

17 (b) The training program must provide employees with
18 information regarding:

19 (1) supports and services available from health and
20 human services agencies, as defined by Section 531.001, Government
21 Code, for:

22 (A) youth with disabilities who are
23 transitioning into post-schooling activities, services for adults,
24 or community living; and

25 (B) adults with disabilities;

26 (2) community resources available to improve the
27 quality of life for:

1 (A) youth with disabilities who are
2 transitioning into post-schooling activities, services for adults,
3 or community living; and

4 (B) adults with disabilities; and

5 (3) other available resources that may remove
6 transitional barriers for youth with disabilities who are
7 transitioning into post-schooling activities, services for adults,
8 or community living.

9 (c) In developing the training program required by this
10 section, the department shall collaborate with health and human
11 services agencies, as defined by Section 531.001, Government Code,
12 as necessary.

13 Sec. 119.106. PAYMENT OF SHIFT DIFFERENTIALS. The
14 executive commissioner by rule may develop and implement policies
15 allowing shift differentials to be paid to employees in the
16 vocational rehabilitation program under this chapter.

17 Sec. 119.107. CLIENT ORIENTATION MATERIALS. The department
18 shall develop and distribute at intake client orientation materials
19 for the vocational rehabilitation program that include information
20 on the department's decision-making criteria.

21 Sec. 119.108. COORDINATION WITH TEXAS EDUCATION AGENCY.

22 (a) For purposes of this section, "transition services" means
23 services provided to students with disabilities to assist the
24 students in making the transition from secondary school to
25 postsecondary education programs or competitive integrated
26 employment.

27 (b) The department and the Texas Education Agency shall

1 collaborate to develop a mechanism to identify the areas of the
2 state with the greatest needs for transition services for students
3 with disabilities. The mechanism must account for the department's
4 limited resources and a school district's needs, including:

5 (1) the school district's resources for special
6 education;

7 (2) the number of students with disabilities in the
8 school district; and

9 (3) other factors that the department and the Texas
10 Education Agency consider important.

11 (c) The department and the Texas Education Agency shall
12 update the mechanism developed under Subsection (b) on a periodic
13 basis.

14 (d) The department shall develop uniform, statewide
15 policies for transition services that include:

16 (1) the goal that a transition counselor initiate
17 contact with a student approximately three years before the student
18 is expected to graduate from high school;

19 (2) the minimum level of services to be provided to a
20 student at the time that a transition counselor initiates contact
21 with the student;

22 (3) standards, based on the mechanism developed under
23 Subsection (b), for assigning a transition counselor to a school
24 that ensure consistency among regions but that are not too
25 restrictive;

26 (4) expectations for transition counselors to develop
27 relationships with school personnel, including the employee

1 designated to serve as the school district's designee on transition
2 and employment services under Section 29.011(b), Education Code;
3 and

4 (5) expectations for regional department staff to work
5 with education service center representatives on a regular basis to
6 identify areas of greatest need and to discuss local strategies for
7 coordination between transition counselors and schools.

8 (e) The department and the Texas Education Agency shall
9 enter into a memorandum of understanding to comply with the
10 policies under this section and to improve coordination between the
11 agencies. The memorandum of understanding must include:

12 (1) strategies to better inform transition clients,
13 clients' families, and school personnel regarding the department's
14 available services and contact information for department
15 transition counselors; and

16 (2) a process to be used by the department and the
17 Texas Education Agency to develop and update the mechanism used to
18 identify students who may need services.

19 (f) Not later than September 1, 2016, the department and the
20 Texas Education Agency shall develop the mechanism required in
21 Subsection (b) and enter into the memorandum of understanding
22 required in Subsection (e), and the department shall develop the
23 policies described in Subsection (d). This subsection expires
24 September 1, 2017.

25 CHAPTER 121. SOCIAL SECURITY DISABILITY DETERMINATION SERVICES

26 Sec. 121.001. COOPERATION WITH FEDERAL GOVERNMENT ON SOCIAL
27 SECURITY DISABILITY DETERMINATION SERVICES. To the extent

1 resources are made available by the federal government, the
2 department may make agreements, arrangements, or plans to cooperate
3 with the federal government in carrying out the purposes of any
4 federal statute pertaining to the disability determination
5 function under the Social Security Act.

6 Sec. 121.002. METHODS OF ADMINISTRATION. To achieve the
7 purposes of Section 121.001, the executive commissioner shall adopt
8 methods of administration that:

9 (1) are found by the federal government to be
10 necessary to the disability determination function; and

11 (2) are not contrary to existing state laws.

12 SECTION 11. Chapter 94, Human Resources Code, is
13 transferred to Title 7-A, Human Resources Code, as added by this
14 Act, redesignated as Chapter 120, Human Resources Code, and amended
15 to read as follows:

16 CHAPTER 120 [~~94~~]. VENDING FACILITIES OPERATED BY BLIND PERSONS

17 Sec. 120.001 [~~94.001~~]. DEFINITIONS. In this chapter:

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

23 (2) "Vending facility" means a facility in which food,
24 drinks, drugs, novelties, souvenirs, tobacco products, notions, or
25 related items are sold regularly. The term excludes facilities
26 consisting solely of vending machines that do not compete directly
27 or indirectly with a facility that is or could be operated by a

1 [~~vocationally handicapped~~] person with a disability.

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

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

6 (5) "Disability" [~~"Handicapped"~~] means a physical or
7 mental condition that the department [~~commission or rehabilitation~~
8 ~~commission~~] determines to constitute a substantial vocational
9 disadvantage.

10 [~~(6) "Commission" means the Texas Commission for the~~
11 ~~Blind.~~

12 [~~(7) "Rehabilitation commission" means the Texas~~
13 ~~Rehabilitation Commission.~~]

14 Sec. 120.002 [~~94.002~~]. LICENSE OR PERMIT REQUIRED. (a) No
15 person may operate a vending facility or a facility with vending
16 machines or other coin-operated devices on state property unless
17 the person is licensed to do so by the department [~~commission~~] or is
18 authorized to do so by an agency granted a permit to arrange for
19 vending facilities.

20 (b) Subsection (a) [~~of this section~~] does not apply to a
21 building in which the Texas Facilities [~~State Purchasing and~~
22 ~~General Services~~] Commission leases space to a private tenant under
23 Subchapter E, Chapter 2165, Government Code.

24 Sec. 120.003 [~~94.003~~]. LICENSING PROCEDURE. (a) On its
25 own initiative or at the request of an agency that controls state
26 property, the department [~~commission~~] shall survey the property, or
27 blueprints and other available information concerning the

1 property, to determine whether the installation of a vending
2 facility is feasible and consonant with the department's
3 ~~[commission's]~~ vocational rehabilitation objectives.

4 (b) If the installation of the facility is feasible, the
5 department ~~[commission]~~ shall either license a blind person to
6 operate a facility to be installed by the department ~~[commission]~~
7 or ~~[allow the rehabilitation commission to]~~ install a facility to
8 be operated by a ~~[handicapped]~~ person with a disability who is not
9 blind according to rules and procedures ~~[comparable to those]~~
10 adopted by the executive commissioner ~~[commission. The commission~~
11 ~~and the rehabilitation commission may enter into agreements~~
12 ~~relating to management services and related forms of necessary~~
13 ~~assistance]~~.

14 Sec. 120.004 ~~[94.004]~~. LOCATION OF VENDING FACILITIES. (a)
15 With the concurrence of the agency in charge of state property, the
16 department ~~[commission]~~ shall designate the location of vending
17 facilities that have been requested by the agency.

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

23 Sec. 120.005 ~~[94.005]~~. ISSUANCE OF LICENSES; ELIGIBILITY.

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

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

5 (c) The department [~~commission~~] shall maintain a roster of
6 the names of each person who has been certified as suitable for
7 licensing. If two or more equally qualified persons are listed on
8 the roster and apply for a license to operate an available vending
9 facility, the department [~~commission~~] shall issue the license to
10 the person who is most in need of employment.

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

15 Sec. 120.006 [~~94.006~~]. EXPIRATION, RENEWAL, AND REVOCATION
16 OF LICENSES. (a) A license or general permit to operate a vending
17 facility on state property is valid for a period of three years from
18 the date it is issued.

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

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

25 (d) A blind person's wilful failure to comply with the
26 department's [~~commission's~~] rules or the provisions of this chapter
27 constitutes grounds for the automatic revocation of the person's

1 license.

2 (e) The executive commissioner [~~commission~~] shall adopt
3 substantive and procedural rules governing the revocation of
4 licenses.

5 Sec. 120.007 [~~94.007~~]. OPERATION OF VENDING FACILITIES BY
6 CERTAIN PERSONS WHO ARE NOT BLIND [~~UNDER THE REHABILITATION~~
7 ~~COMMISSION~~]. [~~(a)~~] If the department [~~commission~~] determines that
8 a blind person could not properly operate a vending facility at a
9 particular location, the department [~~rehabilitation commission~~]
10 may survey the property to determine whether a [~~handicapped~~] person
11 with a [~~whose~~] disability that is not of a visual nature could
12 operate the facility in a proper manner.

13 [~~(b) The commission and the rehabilitation commission may~~
14 ~~develop procedures and methods of exchanging information necessary~~
15 ~~to implement cooperative activities.~~

16 [~~(c) The installation and operation of a vending facility by~~
17 ~~the rehabilitation commission must conform to the provisions of~~
18 ~~this chapter applicable to vending facilities installed by the~~
19 ~~commission.~~]

20 Sec. 120.008 [~~94.008~~]. CLOSING CERTAIN FACILITIES
21 PROHIBITED. Neither a vending facility operated by an [~~a blind or~~
22 ~~otherwise vocationally handicapped~~] individual with a disability,
23 nor a vending facility location surveyed by the department,
24 [~~commission~~] may be closed as a result of the transfer of state
25 property from one agency to another, the alteration of a state
26 building, or the reorganization of a state agency unless the
27 department [~~commission or the rehabilitation commission~~] agrees to

1 the closing.

2 Sec. 120.009 [~~94.009~~]. EMPLOYMENT OF ASSISTANTS. (a) If
3 an individual licensed to operate a vending facility on state
4 property requires an assistant, a qualified [~~visually handicapped~~]
5 person with a disability of a visual nature must be given preference
6 for employment. If the department [~~commission~~] determines that a
7 [~~visually handicapped~~] person with a disability of a visual nature
8 could not perform the labor for which an assistant is required, or
9 if a [~~visually handicapped~~] person with a disability of a visual
10 nature is not available, a [~~handicapped~~] person with a [~~whose~~]
11 disability that is not of a visual nature must be given preference
12 for employment. If no [~~handicapped~~] person with a disability is
13 available for the job, preference must be given to a person who is
14 socially, culturally, economically, or educationally
15 disadvantaged.

16 (b) An assistant employed by a blind person licensed by the
17 department [~~commission~~] must be approved by the department
18 [~~commission~~], and the deliberate refusal of a blind licensee to
19 comply with this section constitutes grounds for the revocation of
20 his or her license.

21 Sec. 120.010 [~~94.010~~]. COMPETING VENDING MACHINES. (a) If
22 the department [~~commission~~] and an agency agree to the installation
23 and operation of an additional vending facility or vending machine
24 on property that already has a department-sponsored
25 [~~commission-sponsored~~] vending facility, no additional permit or
26 license is required. However, the installation of a competing
27 vending facility consisting of vending machines or other

1 coin-operated devices must be authorized by the department
2 [~~commission~~]. The department's [~~commission's~~] authorization must
3 be made with a view toward providing the greatest economic benefits
4 for blind persons consonant with supplying the additional services
5 required at the building.

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

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

23 Sec. 120.011 [~~94.011~~]. VENDING FACILITY EQUIPMENT AND
24 STOCK. (a) The department [~~commission~~] may supply a blind vending
25 facility operator with equipment and initial stock necessary for
26 the operator to begin business.

27 (b) The department [~~commission~~] shall collect and set aside

1 from the proceeds of the operation of its vending facilities enough
2 money:

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

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

7 (3) to pay other program costs to the extent necessary
8 to assure fair and equal treatment of the blind persons licensed to
9 operate the facilities and to the extent allowed under federal
10 programs that provide financial support to the department
11 [~~commission~~].

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

19 Sec. 120.012 [~~94.012~~]. DUTIES AND PRIVILEGES OF PARTIES.

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

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

26 (c) The agency in charge of state property shall cooperate
27 with the department [~~commission~~] and its blind licensees to

1 accomplish the purposes of this chapter. The agency shall also
2 furnish all necessary utility service, including connections and
3 outlets required for the installation of the facility, janitorial
4 and garbage disposal services where feasible, and other related
5 assistance.

6 Sec. 120.013 [~~94.013~~]. TRAINING PROGRAMS. The department
7 [~~commission~~] may establish training or experimentation locations
8 necessary to train blind persons who desire to be licensed to
9 operate vending facilities and to develop techniques which will
10 allow blind persons to operate the facilities or related types of
11 small businesses more efficiently and productively.

12 Sec. 120.014 [~~94.014~~]. CONFORMITY WITH FEDERAL STATUTES.
13 (a) This chapter shall be construed in a manner consistent with the
14 requirements of federal programs that provide financial assistance
15 to the department [~~commission~~].

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

20 Sec. 120.015 [~~94.015~~]. APPLICATION OF CHAPTER. (a) This
21 chapter does not apply to:

22 (1) property over which the federal government
23 maintains partial or complete control;

24 (2) property maintained and operated by
25 state-supported institutions of higher education; provided,
26 however, that the department [~~commission~~] may enter into agreements
27 with state institutions of higher education concerning the use of

1 blind labor in vending facilities at the institutions; or

2 (3) property purchased by the state or an agency of the
3 state, property to which title is transferred from one state agency
4 to another, or property control of which is transferred from one
5 state agency to another, if:

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

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

12 (b) This chapter does not apply to vending facilities
13 operated by an institution for persons with mental illness or
14 intellectual disabilities that is under the control of the
15 Department of State Health Services, the Department of Aging and
16 Disability Services, or a successor to one of those departments
17 [~~Texas Department of Mental Health and Mental Retardation, or its~~
18 ~~successor~~], if the vending facilities are operated without profit
19 for the benefit of the patients at the institution.

20 (c) This chapter does not prohibit the department
21 [~~commission~~] from selecting blind persons to operate other suitable
22 types of vending facilities or business enterprises, and the
23 chapter does not prohibit the installation of automated vending
24 facilities serviced by blind persons.

25 Sec. 120.016 [~~94.016~~]. BUSINESS ENTERPRISES PROGRAM. (a)
26 The department [~~commission~~] is authorized to administer the
27 Business Enterprises Program in accordance with the provisions of

1 the Randolph-Sheppard Act (20 U.S.C. Section 107 et seq.).

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

5 (c) A trust fund for a retirement program for individuals
6 licensed to operate vending facilities under the Business
7 Enterprises Program is established with the comptroller [~~of public~~
8 ~~accounts~~]. This trust fund will be set up in the state treasury.

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

23 (e) All expenditures authorized by the Randolph-Sheppard
24 Act from federal vending revenue funds shall be paid from the
25 Business Enterprises Program trust fund.

26 (f) The department [~~commission~~] may contract with a
27 professional management service to administer the Business

1 Enterprises Program trust fund. In administering the trust fund,
2 the professional management service may acquire, exchange, sell, or
3 retain any kind of investment that a prudent investor, exercising
4 reasonable care, skill, and caution, would acquire, exchange, sell,
5 or retain under the circumstances, taking into consideration the
6 investment of all the assets of the trust fund.

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

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

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

17 SECTION 12. Section 21.0015, Labor Code, is amended to read
18 as follows:

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

25 SECTION 13. Section 21.206, Labor Code, is amended to read
26 as follows:

27 Sec. 21.206. DETERMINATION OF REASONABLE CAUSE; REVIEW BY

1 COMMISSION [~~PANEL~~]. (a) If after investigation the executive
2 director or the executive director's designee determines that there
3 is reasonable cause to believe that the respondent engaged in an
4 unlawful employment practice as alleged in a complaint, the
5 executive director or the executive director's designee shall
6 review with the commission members [~~a panel of three commissioners~~]
7 the evidence in the record.

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

12 (1) issue a written determination incorporating the
13 executive director's finding that the evidence supports the
14 complaint; and

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

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

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

24 (a-1) The commission by rule shall develop risk-assessment
25 criteria for determining the circumstances under which the
26 commission may conduct a review of the personnel policies and
27 procedures of a state agency more frequently than required by

1 Subsection (a). The risk-assessment criteria must include:

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

3 (2) previous review findings; and

4 (3) any other related information collected and
5 maintained by the commission.

6 SECTION 15. Section 21.455, Labor Code, is amended by
7 adding Subsection (d) to read as follows:

8 (d) Annually, the commission shall:

9 (1) review the reimbursements received by the
10 commission under this section to ensure that the commission
11 recovers the expenses described by Subsection (a); and

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

16 SECTION 16. Chapter 214, Labor Code, is amended by adding
17 Section 214.009 to read as follows:

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

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

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

27 (2) a past-due debt for erroneous payment of benefits

1 due to a person's failure to report earnings, even if
2 non-fraudulent, that has become final under law and remains
3 uncollected;

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

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

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

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

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

17 (A) legally enforceable;

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

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

20 and

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

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

1 determination establishing the debtor's liability.

2 (e) The commission shall assess against the debtor the cost
3 of any administrative fee charged by the United States Department
4 of the Treasury for each offset. The commission may add the
5 assessed amount to the covered unemployment compensation debt that
6 is offset under the program.

7 SECTION 17. Section 301.006(b), Labor Code, is amended to
8 read as follows:

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

11 (1) when the commission acts under:

12 (A) Chapter 21;

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

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

15 (D) Chapter 301, Property Code; and

16 (2) in commission hearings involving unemployment
17 insurance issues regarding tax coverage, contributions, or
18 reimbursements.

19 SECTION 18. Section 301.008, Labor Code, is amended to read
20 as follows:

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

25 SECTION 19. Section 301.009(a), Labor Code, is amended to
26 read as follows:

27 (a) The commission shall have:

- (1) a division of workforce development; ~~[and]~~
- (2) a division of unemployment compensation; and
- (3) a civil rights division.

SECTION 20. Subchapter D, Chapter 301, Labor Code, is amended by adding Section 301.075 to read as follows:

Sec. 301.075. VOCATIONAL REHABILITATION AND CERTAIN OTHER SERVICES FOR PERSONS WITH DISABILITIES. If the commission receives federal approval to administer vocational rehabilitation services and other services and programs to persons with disabilities under Title 7-A, Human Resources Code, the commission has primary responsibility for providing those services and programs.

SECTION 21. Section 301.153, Labor Code, is amended to read as follows:

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

- ~~[(1) one member who represents industry,~~
- ~~[(2) one member who represents labor, and~~
- ~~[(3) five members who represent the public.~~

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

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

1 ~~officer.~~

2 ~~[(d) A commissioner is entitled to reimbursement of actual~~
3 ~~and necessary expenses incurred in the performance of official~~
4 ~~duties.~~

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

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

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

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

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

22 SECTION 22. Section 301.154(a), Labor Code, is amended to
23 read as follows:

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

27 SECTION 23. Subchapter I, Chapter 301, Labor Code, is

1 amended by adding Section 301.157 to read as follows:

2 Sec. 301.157. ANALYSIS OF STATE AGENCY DISCRIMINATION
3 COMPLAINTS; REPORT. (a) Each state fiscal year, the division shall
4 collect and analyze information regarding employment
5 discrimination complaints, other than complaints determined to be
6 without merit, filed with the division against a state agency. The
7 information must include:

8 (1) an analysis of the complaints, both by number and
9 by type; and

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

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

20 SECTION 24. Section 302.0043(f), Labor Code, is amended to
21 read as follows:

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

26 (1) include employment outcome information,
27 disaggregated by local workforce development area, regarding

1 parents receiving subsidized care under the program; and
2 (2) identify multiyear trends in the information
3 collected and analyzed by the commission under this section,
4 including trends in the information for at least the five state
5 fiscal years preceding the date of the report.

6 SECTION 25. Subchapter A, Chapter 302, Labor Code, is
7 amended by adding Section 302.00435 to read as follows:

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

13 SECTION 26. Section 301.0015, Property Code, is amended to
14 read as follows:

15 Sec. 301.0015. TEXAS WORKFORCE COMMISSION [~~CIVIL RIGHTS~~
16 ~~DIVISION~~]. The powers and duties exercised by the Commission on
17 Human Rights under this chapter are transferred to the Texas
18 Workforce Commission [~~civil rights division~~]. A reference in this
19 chapter to the "commission" means the Texas Workforce Commission
20 [~~civil rights division~~].

21 SECTION 27. The following laws are repealed:

- 22 (1) Section 132.201(b), Education Code;
- 23 (2) Subchapter F, Chapter 419, Government Code;
- 24 (3) Section 91.016(e), Human Resources Code;
- 25 (4) Subchapter D, Chapter 91, Human Resources Code;
- 26 (5) Section 111.016, Human Resources Code;
- 27 (6) Section 111.0205, Human Resources Code;

- 1 (7) Section 111.053(b), Human Resources Code;
- 2 (8) Section 111.061, Human Resources Code;
- 3 (9) Subchapter D, Chapter 111, Human Resources Code;
- 4 (10) Section 117.058, Human Resources Code; and
- 5 (11) Sections 301.151(3) and 301.152, Labor Code.

6 SECTION 28. (a) Not later than September 1, 2016, the Texas
7 Workforce Commission shall adopt all rules, policies, and
8 procedures required by the changes in law made by this Act.

9 (b) Section 301.157, Labor Code, as added by this Act,
10 applies beginning with the annual report submitted to the governor
11 and the legislature by the Texas Workforce Commission that covers
12 the state fiscal year ending August 31, 2015.

13 SECTION 29. On the effective date of this Act, the human
14 rights commission that governed the Texas Workforce Commission
15 civil rights division under Section 301.153, Labor Code, before the
16 effective date of this Act is abolished. The validity of an action
17 taken by the human rights commission before that date is not
18 affected by the abolition. The changes in law made by this Act do
19 not affect a case or proceeding pending under Chapter 21, Labor
20 Code, or Chapter 301, Property Code, on the effective date of this
21 Act.

22 SECTION 30. (a) If the Texas Workforce Commission receives
23 federal approval to administer vocational rehabilitation services
24 and other services and programs under Title 7-A, Human Resources
25 Code, as added by this Act, on the date specified in the Texas
26 Register as required by Section 118.002(a)(2)(B), Human Resources
27 Code, as added by this Act:

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

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

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

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

19 (b) If a transfer of services and programs occurs under
20 Subsection (a) of this section, a rule or form adopted by the
21 executive commissioner of the Health and Human Services Commission
22 or the Department of Assistive and Rehabilitative Services, as
23 applicable, that relates to a transferred service or program is a
24 rule or form of the Texas Workforce Commission and remains in effect
25 until altered by the Texas Workforce Commission.

26 (c) If a transfer of services and programs occurs under
27 Subsection (a) of this section, a reference in law to the executive

1 commissioner of the Health and Human Services Commission or the
2 Department of Assistive and Rehabilitative Services that relates to
3 a transferred service or program means the Texas Workforce
4 Commission.

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

11 SECTION 31. As soon as possible after the effective date of
12 this Act, the Department of Assistive and Rehabilitative Services
13 and the Texas Workforce Commission shall actively seek federal
14 approval as required by Section 118.002, Human Resources Code, as
15 added by this Act, to transfer the administration of services and
16 programs under Title 7-A, Human Resources Code, as added by this
17 Act, from the department to the commission not later than September
18 1, 2016.

19 SECTION 32. The Department of Assistive and Rehabilitative
20 Services and the Texas Workforce Commission shall collaborate to
21 integrate the department's vocational rehabilitation programs into
22 a single vocational rehabilitation program as required by Section
23 119.101, Human Resources Code, as added by this Act.

24 SECTION 33. This Act takes effect September 1, 2015.