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

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

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

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

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

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

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

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

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a) The agency shall enter into a memorandum of understanding with the state agency responsible for administering the vocational rehabilitation program under Subtitle C, Title 4, Labor Code,
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1 [Texas Rehabilitation Commission] and the department for the
2 interagency development of curricula and licensing criteria for
3 hospital and rehabilitation facilities that teach driver
4 education.
5 (b) The agency shall administer comprehensive rules
6 governing driver education courses adopted by mutual agreement
7 among the agency, the state agency responsible for administering
8 the vocational rehabilitation program under Subtitle C, Title 4,
9 Labor Code [Texas Rehabilitation Commission], and the department.

SECTION 3. The heading to Section 411.104, Government Code,
11 is amended to read as follows:
12 Sec. 411.104. ACCESS TO CRIMINAL HISTORY RECORD
13 INFORMATION: TEXAS WORKFORCE COMMISSION; SECURITY SENSITIVE
14 POSITIONS.
15 SECTION 4. Effective September 1, 2016, Subchapter F,
16 Chapter 411, Government Code, is amended by adding Section 411.1041
17 to read as follows:
18 Sec. 411.1041. ACCESS TO CRIMINAL HISTORY RECORD
19 INFORMATION: TEXAS WORKFORCE COMMISSION; VOCATIONAL
20 REHABILITATION AND OTHER SERVICES. (a) The Texas Workforce
21 Commission, in connection with the administration of vocational
22 rehabilitation services and other services and programs under
23 Subtitle C, Title 4, Labor Code, is entitled to obtain from the
24 department criminal history record information maintained by the
25 department that relates to a person who is:
26 (1) an applicant selected for employment with the
27 commission whose potential duties include direct contact with
clients to provide those services;
(2) an applicant for those services from the
commission; or
(3) a client receiving those services from the
commission.
(b) Criminal history record information obtained by the
commission under Subsection (a) may not be released or disclosed to
any person except on court order or with the written consent of the
person who is the subject of the criminal history record
information.

SECTION 5. Section 2308.3155(b), Government Code, is
amended to read as follows:
(b) The commission shall adopt rules to administer the Texas
Rising Star Program, including:
(1) guidelines for rating a child-care provider who
provides child care to a child younger than 13 years of age,
including infants and toddlers, enrolled in the subsidized program;
and
(2) a timeline and process for regularly reviewing and
updating the quality standards used to determine the rating system
that includes the commission's consideration of input from
interested parties regarding those standards.

SECTION 6. Effective September 1, 2016, Subchapter C,
Chapter 91, Human Resources Code, is amended by adding Section
91.0211 to read as follows:
Sec. 91.0211. SERVICE DELIVERY BY TEXAS WORKFORCE
COMMISSION. The Texas Workforce Commission has primary
responsibility for providing vocational rehabilitation services and other services and programs under Subtitle C, Title 4, Labor Code, notwithstanding Section 91.021(a) and subject to receipt of any required federal approval to administer those services and programs. A power or duty under this chapter, including rulemaking authority, of the department, the commissioner, or the executive commissioner that is applicable to those services or programs is a power or duty of the Texas Workforce Commission with respect to those services or programs.

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

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

SECTION 8. Effective September 1, 2016, Subchapter D,
Chapter 117, Human Resources Code, is amended by adding Section 117.0713 to read as follows:

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

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

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

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

Sec. 21.206. DETERMINATION OF REASONABLE CAUSE; REVIEW BY COMMISSION [PANEL]. (a) If after investigation the executive director or the executive director's designee determines that there is reasonable cause to believe that the respondent engaged in an
unlawful employment practice as alleged in a complaint, the
executive director or the executive director's designee shall
review with the commission members [a panel of three commissioners]
the evidence in the record.

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

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

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

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

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

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

(1) data on complaints against a state agency;

(2) previous review findings; and
(3) any other related information collected and maintained by the commission.

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

(d) Annually, the commission shall:

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

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

SECTION 13. Subchapter A, Chapter 61, Labor Code, is amended by adding Section 61.006 to read as follows:

Sec. 61.006. NOTICE LANGUAGES. The commission shall:

(1) make available any notice the commission is required to provide to an employee under this chapter in the two languages that are most commonly spoken in this state; and

(2) ensure that employees are notified of an employee's ability to request from the commission notice in either language described by Subdivision (1).

SECTION 14. Section 61.051, Labor Code, is amended by adding Subsection (e) to read as follows:

(e) The commission shall ensure that employees are notified of an employee's ability to request from the commission a wage claim form in either language described by Section 61.006.

SECTION 15. Chapter 214, Labor Code, is amended by adding
Section 214.009 to read as follows:

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

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

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

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

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

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

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

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

(2) provide the debtor at least 60 days following the date the notice is provided under Subdivision (1) to present to the commission evidence that all or part of the debt is not:
(A) legally enforceable;
(B) due to fraud or unreported earnings; or
(C) a contribution owed to the compensation fund;

and

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

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

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

SECTION 16. Section 301.006(b), Labor Code, is amended to read as follows:

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

(1) when the commission acts under:

(A) Chapter 21;

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

(C) Subchapter D, Chapter 212; or

(D) Chapter 301, Property Code; and

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

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

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

SECTION 18. Section 301.009(a), Labor Code, is amended to read as follows:

(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 19. Effective September 1, 2016, Subchapter D, Chapter 301, Labor Code, is amended by adding Section 301.0675 to read as follows:

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

SECTION 20. 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 officer.

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

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

[(b) [47] The [human rights] commission is the state authority established as a fair employment practice agency and is authorized, with respect to an unlawful employment practice, to:

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

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

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

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

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

SECTION 22. Subchapter I, Chapter 301, Labor Code, is amended by adding Section 301.157 to read as follows:

Sec. 301.157. ANALYSIS OF STATE AGENCY DISCRIMINATION COMPLAINTS; REPORT. (a) Each state fiscal year, the division shall 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 information must include:

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

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

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

SECTION 23. Section 302.0043(f), Labor Code, is amended to read as follows:

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

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

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

SECTION 24. Subchapter A, Chapter 302, Labor Code, is amended by adding Section 302.00435 to read as follows:

Sec. 302.00435. SUBSIDIZED CHILD CARE PROGRAM; INPUT POLICY. The commission shall 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 that program.

SECTION 25. Title 4, Labor Code, is amended by adding Subtitle C to read as follows:
SUBTITLE C. VOCATIONAL REHABILITATION AND CERTAIN OTHER SERVICES
FOR PERSONS WITH DISABILITIES

CHAPTER 351. GENERAL PROVISIONS; RESPONSIBILITY FOR
ADMINISTRATION OF SERVICES

Sec. 351.001. DEFINITIONS. In this subtitle:

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

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

Sec. 351.002. RESPONSIBILITY FOR ADMINISTRATION OF SERVICES AND PROGRAMS. (a) Notwithstanding any other provision of this subtitle, the department shall administer the services and programs under this subtitle until September 1, 2016. On that date, the department shall cease administering the services and programs under this subtitle and the commission shall begin administering the services and programs, subject to receipt of any required federal approval.

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

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

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

(B) the vocational rehabilitation program for individuals with other disabilities;
(C) the Independent Living Services Program for older individuals who are blind; and

(D) the Criss Cole Rehabilitation Center;

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

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

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

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

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

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

(2) has a full-time director;

(3) 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
(4) is located at an organizational level and has an organizational status within the commission comparable to that of other major organizational units of the commission.

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

(b) This section expires September 1, 2019.

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

CHAPTER 352. VOCATIONAL REHABILITATION SERVICES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 352.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

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

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

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

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

(A) medical and vocational diagnosis;
(B) vocational guidance, counseling, and placement;
(C) rehabilitation training;
(D) physical restoration;
(E) transportation;
(F) occupational licenses;
(G) customary occupational tools and equipment;
(H) maintenance;
(I) training books and materials; and
(J) other goods and services for which the commission receives financial support under federal law.

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


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

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

Sec. 352.004. RECEIPT AND DISBURSEMENT OF STATE AND FEDERAL FUNDS. (a) The comptroller is custodian of federal funds received by the state to implement federal law relating to vocational rehabilitation.

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

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

Sec. 352.005. GIFTS, DONATIONS, AND OTHER MONEY. (a) The commission shall deposit all money paid to the commission under this chapter in the state treasury. The money may be used only for the administration of this chapter.
The commission may receive and use gifts and donations for carrying out the purposes of this chapter. A person may not receive payment for solicitation of any funds.

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

Sec. 352.007. CRIMINAL HISTORY RECORD INFORMATION. (a) The commission may obtain criminal history record information from the Texas Department of Criminal Justice and the Texas Department of Public Safety if the criminal history records relate to:

1. an applicant selected for employment with the commission whose potential duties include direct contact with clients to provide vocational rehabilitation services or other services under this subtitle;
2. an applicant for vocational rehabilitation services or other services under this subtitle from the commission; or
3. a client receiving vocational rehabilitation services or other services under this subtitle.

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

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

Sec. 352.008. HEARINGS. An applicant for or recipient of vocational rehabilitation services who is aggrieved by an action or inaction under this chapter is entitled to a hearing by the commission in accordance with law.

SUBCHAPTER B. GENERAL POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

(1) clearly defined and measurable program
(2) clearly defined penalties for nonperformance of a contract term; and

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

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

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

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

Sec. 352.054. RATES FOR MEDICAL SERVICES. (a) The commission by rule shall adopt standards governing the determination of rates paid for medical services provided under this chapter. The rules must provide for an annual reevaluation of the rates.

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

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

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

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

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

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

Sec. 352.057. LOANS FOR VISUAL AIDS. (a) The commission may establish a program to make loans to finance the purchase of technological aids for individuals with visual impairments. Interest on the loans may not exceed 10 percent per year.

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

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

(1) personal insurance;

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

(3) any other source.
(b) The commission's right of subrogation is limited to the
cost of the services provided.

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

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

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

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

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

SUBCHAPTER C. PROVISION OF AND ELIGIBILITY FOR VOCATIONAL
REHABILITATION SERVICES

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

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

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

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

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

(2) develop 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;

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

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

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

(c) This section expires September 1, 2019.

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

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

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

(2) eligibility requirements for vocational rehabilitation services;

(3) requirements for the rehabilitation planning process;

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

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

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

Sec. 352.104. TRAINING AND SUPERVISION OF COUNSELORS.

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

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

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

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

(4) measuring client progress toward the vocational objective, including the documented, periodic evaluation of the
(5) determining eligibility of employed and unemployed applicants for rehabilitation services using criteria defined by commission rule to document whether a client is substantially underemployed or at risk of losing employment.

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

Sec. 352.105. SPECIALIZED TRAINING FOR CERTAIN EMPLOYEES.

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

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

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

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

(B) adults with disabilities;

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

(A) youth with disabilities who are
transitional barriers for youth with disabilities who are transitioning into post-schooling activities, services for adults, or community living.

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

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

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

Sec. 352.108. COORDINATION WITH TEXAS EDUCATION AGENCY. (a) For purposes of this section, "transition services" means 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.

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

(1) the school district's resources for special education;
(2) the number of students with disabilities in the school district; and
(3) other factors that the commission and the Texas Education Agency consider important.

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

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

(1) the goal that a transition counselor initiate contact with a student approximately three years before the student is expected to graduate from high school;
(2) the minimum level of services to be provided to a student at the time that a transition counselor initiates contact with the student;
(3) standards, based on the mechanism developed under Subsection (b), for assigning a transition counselor to a school that ensure consistency among regions but that are not too restrictive;
(4) expectations for transition counselors to develop relationships with school personnel, including the employee designated to serve as the school district's designee on transition
and employment services under Section 29.011(b), Education Code; and

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

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

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

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

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

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

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

(g) Subsection (f) and this subsection expire September 1, 2018.
SECTION 26. (a) Chapter 351, Labor Code, as added by this Act, is amended by adding Sections 351.0021 and 351.0022 to read as follows:

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

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

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

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

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

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

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

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

(f) The lieutenant governor and the speaker of the house of representatives shall each designate a presiding co-chair from among their respective appointments.
(g) A member of the committee may not receive compensation for serving on the committee but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the committee as provided by the General Appropriations Act.

(h) The committee shall:

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

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

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

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

(3) meet at the call of either chair.

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

(j) The committee shall 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 report must include an update on the progress of and issues related to the transfer of vocational rehabilitation services and other services and programs under this subtitle from the department.
to the commission, including the need for any additional statutory
changes required to complete the transfer of services and programs
to the commission in accordance with this subtitle.

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

(l) This section expires September 1, 2019.

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

(1) 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 department to the commission under this subtitle,
including the plans for leased office or building space and the
transition of data and information technology systems supporting
the services and programs;

(2) the identification of all full-time equivalent
employee positions that are associated with the department's
administration of the services and programs to be transferred to
the commission, including the full-time equivalent employee
positions that are associated with the Health and Human Services
Commission's administrative support of those transferring services and programs;
(3) measures to ensure that unnecessary disruption to the provision of transferred services and programs does not occur;
(4) a strategy for integrating the department's vocational rehabilitation staff into the commission's local workforce development boards and centers as required by Section 351.004;
(5) a strategy for integrating vocational rehabilitation programs for individuals with visual impairments and for individuals with other disabilities as required by Section 352.101;
(6) a schedule for implementing the transfer of the services and programs; and
(7) a strategy for exchanging data with other state agencies that refer clients for vocational rehabilitation services.

(b) In developing the transition plan, the executive director, the commissioner of assistive and rehabilitative services, and the executive commissioner shall, before submitting the plan to the Legislative Oversight Committee and the governor as required by Subsection (d):
(1) hold public hearings in various geographic areas in this state regarding the plan; and
(2) solicit and consider input from appropriate stakeholders.

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

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

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

(1) the transition plan developed under this section;
(2) any adjustments to the transition plan recommended by the Legislative Oversight Committee;
(3) a statement regarding whether the recommended adjustments were adopted or otherwise incorporated; and
(4) if a recommended adjustment was not adopted, the justification for not adopting the adjustment.

(f) This section expires September 1, 2019.

(b) Not later than October 1, 2015:
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(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 27. (a) Section 531.0203, Government Code, as added by S.B. No. 200, 84th Legislature, Regular Session, 2015, is amended by adding Subsection (d-1) to read as follows:

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

(b) Chapter 351, Labor Code, as added by this Act, is amended by adding Sections 351.0021 and 351.0022 to read as follows:
Sec. 351.0021. ADDITIONAL DUTIES OF HEALTH AND HUMAN SERVICES TRANSITION LEGISLATIVE OVERSIGHT COMMITTEE. (a) In this section, "committee" means the Health and Human Services Transition Legislative Oversight Committee established under Section 531.0203, Government Code.

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

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

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

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

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

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

(d) This section expires September 1, 2019.

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

(1) 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 department to the commission under this subtitle,
including the plans for leased office or building space and the
transition of data and information technology systems supporting
the services and programs;

(2) the identification of all full-time equivalent
employee positions that are associated with the department's
administration of the services and programs to be transferred to
the commission, including the full-time equivalent employee
positions that are associated with the Health and Human Services
Commission's administrative support of those transferring services
and programs;
(3) measures to ensure that unnecessary disruption to the provision of transferred services and programs does not occur;

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

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

(6) a schedule for implementing the transfer of the services and programs; and

(7) a strategy for exchanging data with other state agencies that refer clients for vocational rehabilitation services.

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

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

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

(e) This section expires September 1, 2019.

(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:

(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 28. Chapter 94, Human Resources Code, as amended by S.B. No. A219, 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 to read as follows:

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

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

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

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

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

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

(3) "State property" means land and buildings owned, leased, or otherwise controlled by the state.
"Agency" means the state agency in charge of state property.

"Disability" means a physical or mental condition that the commission [department] determines to constitute a substantial vocational disadvantage.

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

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

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

(b) If the installation of the facility is feasible, the commission [department] shall either license a blind person to operate a facility to be installed by the commission [department] or install a facility to be operated by a person with a disability who is not blind according to rules and procedures adopted by the commission [executive commissioner].
Sec. 355.004 [94.004]. LOCATION OF VENDING FACILITIES.
(a) With the concurrence of the agency in charge of state property, the commission [department] shall designate the location of vending facilities that have been requested by the agency.
(b) The agency responsible for state property shall alter the property to make it suitable for the proper operation of the vending facilities. To this end, the agency in charge of constructing new state property shall consult with the commission [department] during the planning stage on the construction.

Sec. 355.005 [94.005]. ISSUANCE OF LICENSES; ELIGIBILITY.
(a) The commission [department] may issue a license to operate its vending facilities on state property to blind citizens of the state who are capable of operating the facilities in a manner that is reasonably satisfactory to all parties concerned.
(b) Before issuing a license to a person, the commission [department] shall determine whether the person has the physical, psychological, and personal traits and abilities required to operate a vending facility in a satisfactory manner.
(c) The commission [department] shall maintain a roster of the names of each person who has been certified as suitable for licensing. If two or more equally qualified persons are listed on the roster and apply for a license to operate an available vending facility, the commission [department] shall issue the license to the person who is most in need of employment.
(d) The granting of a license does not vest the licensee with property or other rights which may constitute the basis of a cause of action, at law or in equity, against the state or its
Sec. 355.006 [94.006]. EXPIRATION, RENEWAL, AND REVOCATION OF LICENSES. (a) A license or general permit to operate a vending facility on state property is valid for a period of three years from the date it is issued.

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

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

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

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

Sec. 355.007 [94.007]. OPERATION OF VENDING FACILITIES BY CERTAIN PERSONS WHO ARE NOT BLIND. If the commission [department] determines that a blind person could not properly operate a vending facility at a particular location, the commission [department] may survey the property to determine whether a person with a disability that is not of a visual nature could operate the facility in a proper manner.

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

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

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

Sec. 355.010A [94.010]. COMPETING VENDING MACHINES. (a) If the commission [department] and an agency agree to the installation and operation of an additional vending facility or vending machine on property that already has a commission-sponsored [department-sponsored] vending facility, no additional permit or
license is required. However, the installation of a competing vending facility consisting of vending machines or other coin-operated devices must be authorized by the commission [department]. The commission's [department's] authorization must be made with a view toward providing the greatest economic benefits for blind persons consonant with supplying the additional services required at the building.

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

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

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

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

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

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

(3) to pay other program costs to the extent necessary to assure fair and equal treatment of the blind persons licensed to operate the facilities and to the extent allowed under federal programs that provide financial support to the commission.

c) Except for purchasing and installing original equipment, the operation of commission-sponsored vending facilities must be as self-supporting and self-sustaining as possible. To achieve this end, the commission shall periodically review and, when necessary, revise its schedules for collecting and setting aside money from the proceeds of its vending facilities.

Sec. 355.012. DUTIES AND PRIVILEGES OF PARTIES.

(a) The commission may promulgate rules and initiate procedures necessary to implement this chapter.

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

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

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

Sec. 355.014 [94.014]. CONFORMITY WITH FEDERAL STATUTES.
(a) This chapter shall be construed in a manner consistent with
the requirements of federal programs that provide financial
assistance to the commission [department].

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

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

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

(2) property maintained and operated by
state-supported institutions of higher education; provided,
however, that the commission [department] may enter into agreements
with state institutions of higher education concerning the use of
blind labor in vending facilities at the institutions; or
(3) property purchased by the state or an agency of the state, property to which title is transferred from one state agency to another, or property control of which is transferred from one state agency to another, if:

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

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

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

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

Sec. 355.016 [94.016]. BUSINESS ENTERPRISES PROGRAM.

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

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

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

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

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

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

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

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

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

SECTION 29. Section 301.0015, Property Code, is amended to read as follows:

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

SECTION 30. 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 31. (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 Commission that covers the state fiscal year ending August 31, 2015.

SECTION 32. 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 33. (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 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 34. (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;
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(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 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 35. (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:
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(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 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 36. 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 37. Except as otherwise provided by this Act, this
Act takes effect September 1, 2015.
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President of the Senate  Speaker of the House

I hereby certify that S.B. No. 208 passed the Senate on May 11, 2015, by the following vote: Yeas 25, Nays 6; and that the Senate concurred in House amendments on May 29, 2015, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

I hereby certify that S.B. No. 208 passed the House, with amendments, on May 26, 2015, by the following vote: Yeas 145, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor