

CHAPTER 793

S.B. No. 195

An Act relating to the continuation, membership, administration, programs, and finances of the State Commission for the Blind and to change of its name; amending the Human Resources Code by amending Sections 91.001, 91.011, 91.012, 91.013, 91.014, 91.055, and 91.059 and Subsection (f), Section 91.021; Subsection (b), 91.0301; and Subsections (b) and (c), Section 91.056; and by adding Sections 91.015, 91.016, 91.017, 91.018, and 91.019; by repealing Subdivisions (2) and (12), Section 91.051 and Sections 91.022, 91.024, 91.025, 91.026, 91.029, 91.030, 91.031, 91.054, 91.057, and 91.060; and amending other sections of the Human Resources Code, the Education Code, State Purchasing and General Services Act, Crippled Children's Services Act, Special Senses and Communication Disorders Act; and Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Articles 601b, 4419c, 4419g, and 4442c, Vernon's Texas Civil Statutes) to reflect the change of name.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 91.001, Human Resources Code, is amended to read as follows:

"Section 91.001. APPLICATION OF SUNSET ACT. The Texas [State] Commission for the Blind is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes); and unless continued in existence as provided by that Act the commission is abolished and this chapter expires effective September 1, 1997 [1985]."

SECTION 2. Subdivision (1), Section 91.002, Human Resources Code, is amended to read as follows:

"(1) 'Commission' means the Texas [State] Commission for the Blind."

SECTION 3. Section 91.011, Human Resources Code, as amended, is amended to read as follows:

"Section 91.011. TEXAS [STATE] COMMISSION FOR THE BLIND. (a) The Texas [State] Commission for the Blind is composed of nine members appointed by the governor with the consent of the senate. *Except as provided by this subsection, appointments to the board shall be made without regard to the race, color, handicap, sex, religion, age, or national origin of the appointees.* Two members must be [reputable] blind citizens of the state and the remaining members must be members of the general public. A person is not eligible for appointment as a public member if the person or the person's spouse:

"(1) is employed by or participates in the management of a business entity or other organization regulated by the commission or receiving funds from the commission;

"(2) owns, controls, or has, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving funds from the commission; or

"(3) uses or receives a substantial amount of tangible goods, services, or funds from the commission [outstanding citizens of the state].

"(b) An officer, employee, or paid consultant of an association that has as its primary interest the provision of services to, or other matters relating to, the blind may not be a member or employee of the commission, nor may a person who cohabits with or is the spouse of an officer, managerial employee, or paid consultant of such an association be a member of the commission or an employee of the commission grade 17 or over, including exempt employees, according to the position classification schedule under the General Appropriations Act. A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities on behalf of a provider of services to the blind, may not serve as a member of the commission or act as the general counsel to the commission [A person is ineligible for appointment to the commission if the person is a paid employee of an agency carrying on work for the blind or if the person is engaged in or associated with or otherwise represents a business, discipline, profession, or trade conducted for the primary purpose of selling or furnishing goods or services of the type provided by the commission as a significant part of its assistance to eligible individuals].

“(c) Members of the commission hold office for terms of six years with the terms of three members expiring on February 1 of odd-numbered years.

“(d) *Commission members and consumer advisory committee members are entitled to a per diem, set by the General Appropriations Act, for each day of attendance at an official meeting as authorized by the commission. Commission members [serve without compensation but] are entitled to reimbursement for necessary expenses of travel on official business [incurred in the performance of their duties]. Consumer advisory committee members are entitled to reimbursement for travel expenses in the same manner as state employees. A commission member or consumer advisory committee member who is disabled and, because of the disability, requires special aids or a travel attendant in order to attend an official meeting is entitled to reimbursement for the cost of the special aids or attendant in accordance with rules set by the commission.*

“(e) The governor shall designate a member of the commission to serve as presiding officer, and the officer shall serve at the governor’s pleasure.

“(f) Five members of the commission constitute a quorum for the transaction of business.

“(g) *The commission shall adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.*”

SECTION 4. Section 91.012, Human Resources Code, is amended to read as follows:

“Section 91.012. **EXECUTIVE DIRECTOR [~~; OTHER PERSONNEL~~].** (a) The commission shall annually appoint an executive director [~~and other necessary employees authorized by law~~].

“(b) *The commission shall select the executive director, according to established personnel standards, on the basis of education, training, experience, and demonstrated ability. [On undertaking specific activities supporting special and vocational education programs for the blind and visually handicapped, the commission may appoint an assistant executive director, a deputy director for cooperative programs with other agencies and departments of the state or its political subdivisions, a deputy director for technical and consultative services to private organizations and special resource facilities within the field, and a deputy director for the regular programs of the agency. These positions and the position of executive director are exempt from the state salary classification schedule, and, within the limits of available funds, the commission may fix the salaries for the positions at amounts not exceeding the average amounts paid for equivalent positions in any other five state agencies engaged in the direct extension of state-supported services to eligible individuals. The salaries and related costs of these positions may be paid out of the general funds of the agency, the special grants received by the agency, or other funds available to the agency under interagency agreements.]*

“(c) *The executive director shall:*

“(1) *adopt personnel policies;*

“(2) *prepare and submit to the commission an annual report of commission activities and expenditures; and*

“(3) *before each regular session of the legislature, estimate the amount of funds necessary to administer commission programs and the amount available from all sources for those purposes. [Within the limits of appropriated funds the commission may employ other personnel necessary to carry out its duties.]*

“(d) *On commission approval, the executive director:*

“(1) *shall appoint personnel necessary to efficiently accomplish commission purposes;*

“(2) *may delegate to an employee a power of the executive director except the power to adopt rules or appoint personnel;*

“(3) *shall establish appropriate administrative units within commission programs;*

“(4) *may accept and use gifts and grants to the commission to carry out the purposes of this title, if the commission determines that the conditions of the gift or grant are consistent with this title; and*

“(5) *may take other actions that the executive director considers necessary or appropriate to carry out commission purposes.*”

SECTION 5. Section 91.013, Human Resources Code, is amended to read as follows:

“Section 91.013. **AUDIT [~~EXPENSES, ACCOUNTS~~].** *The State Auditor shall audit the financial transactions of the commission at least once during each biennium. [~~(a) Expenses of commission members and employees must be paid in the most efficient and practical manner authorized by law.~~*

“*[(b) All accounts must be paid in accordance with laws applicable to the commission or to state agencies generally.]*”

SECTION 6. Section 91.014, Human Resources Code, is amended to read as follows:

"Section 91.014. ~~[INTEREST ON] FUNDS [IN TREASURY]~~. (a) All sums of money paid to the commission under this title shall be deposited in the State Treasury and may be used only for the administration of this title.

"(b) Interest earned on funds deposited in the State Treasury from gifts and grants received by the commission under Section 91.012 ~~[91.030]~~ of this code and from proceeds from the operation of vending facilities under Chapter 94 of this code shall be credited to the fund on which the interest is earned."

SECTION 7. Chapter 91, Human Resources Code, is amended by adding Section 91.015 to read as follows:

"Section 91.015. **REMOVAL OF COMMISSION MEMBER.** (a) It is a ground for removal from the commission if a member:

"(1) does not have at the time of appointment the qualifications required by Subsection (a) of Section 91.011 of this code for appointment to the commission;

"(2) does not maintain during the service on the commission the qualifications required by Subsection (a) of Section 91.011 of this code for appointment to the commission;

"(3) violates a prohibition established by Subsection (b) of Section 91.011 of this code;

"(4) is unable to discharge his duties for a substantial portion of the term for which he was appointed because of illness or disability; or

"(5) is absent from more than half of the regularly scheduled commission meetings which the member is eligible to attend during each calendar year, except when the absence is excused by majority vote of the commission.

"(b) The validity of an action of the commission is not affected by the fact that it was taken when a ground for removal of a member of the commission existed.

"(c) If the agency head has knowledge that a potential ground for removal exists, he shall notify the chairman of the commission of such ground. The chairman of the commission shall then notify the governor that a potential ground for removal exists."

SECTION 8. Chapter 91, Human Resources Code, is amended by adding Section 91.016 to read as follows:

"Section 91.016. **PERSONNEL POLICIES.** (a) The executive director or his designee shall develop an intraagency career ladder program, one part of which shall require the intraagency posting of all nonentry level positions concurrently with any public posting.

"(b) The executive director or his designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for commission employees must be based on the system established under this section.

"(c) The commission shall provide to its members and employees as often as is necessary information regarding their qualifications under this title and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

"(d) The commission shall develop and implement policies which clearly separate the respective responsibilities of the governing body of the agency and the staff of the agency."

SECTION 9. Chapter 91, Human Resources Code, is amended by adding Section 91.017 to read as follows:

"Section 91.017. **EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT.** (a) The executive director or his or her designee shall prepare and maintain a written plan to assure implementation of a program of equal employment opportunity whereby all personnel transactions are made without regard to race, color, handicap, sex, religion, age, or national origin. The plan shall include:

"(1) a comprehensive analysis which meets federal and state guidelines of all the commission's work force by race, sex, ethnic origin, class of position, and salary or wages;

"(2) plans for recruitment, evaluation, selection, appointment, training, promotion, and other personnel policies;

"(3) procedures by which a determination can be made of significant underutilization in the agency work force of all persons for whom federal and state guidelines encourage a more equitable balance and steps reasonably designed to overcome any identified underutilization; and

"(4) objectives and goals, with appropriate timetables for the achievement of the objectives and goals, assignments of responsibility for their achievement, and an appropriate program for reviewing and maintaining these goals and objectives once achieved.

"(b) The plan shall be filed with the governor's office within 60 days of the effective date of this Act, cover an annual period, and be updated at least annually. The governor's office shall develop a biennial report to the legislature based on the information submitted. Such report may be made separately or as a part of other biennial reports made to the legislature."

SECTION 10. Chapter 91, Human Resources Code, is amended by adding Section 91.018 to read as follows:

"Section 91.018. RELATIONS WITH PUBLIC. (a) The commission shall prepare information of public interest describing the functions of the commission and describing the commission's procedures by which complaints are filed with and resolved by the commission. The commission shall make the information available to the general public and appropriate state agencies.

"(b) The commission shall promulgate rules establishing methods by which consumers or service recipients can be notified of the name, mailing address, and telephone number of the commission for the purpose of directing complaints to the commission. The commission may provide for the notification through inclusion of the information:

"(1) on each registration form, application, or written contract for services of a person or entity regulated or authorized by this title;

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

"(3) in a bill for service provided by a person or entity regulated or authorized by this title.

"(c) The commission shall keep an information file about each complaint filed with the commission relating to a licensee or entity regulated by the commission.

"(d) If a written complaint is filed with the commission relating to a licensee or entity regulated by the commission, the commission, at least as frequently as quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless notice would jeopardize an undercover investigation.

"(e) The commission shall develop and implement policies that will provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

"(f) The commission shall establish a consumer advisory committee and adopt rules relating to the committee's size, geographical representation, meetings, duties, and reporting requirements."

SECTION 11. Chapter 91, Human Resources Code, is amended by adding Section 91.019 to read as follows:

"Section 91.019. REPORT. The commission shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the commission during the preceding year. The form of the annual report and the reporting time shall be that provided in the General Appropriations Act."

SECTION 12. Subsection (f), Section 91.021, Human Resources Code, as amended, is amended to read as follows:

"(f) The commission shall:

"(1) [provide advocacy and ombudsmanship services for visually handicapped citizens of the state;

"[(2)] serve as an information center and referral resource for the visually handicapped; and

"(2) [(3)] develop mechanisms and procedures that tend to assist visually handicapped individuals in bridging gaps between educational, institutional, rehabilitative, vocational, and related types of services operated by public and private nonprofit organizations throughout the state; and

"[(4) generally supervise, oversee, and assure the effective management and operation of a state program of purchasing goods and services manufactured by handicapped individuals according to the requirements of law and in nonprofit sheltered workshop facilities]."

SECTION 13. Subsection (b), Section 91.0301, Human Resources Code, is amended to read as follows:

"(b) The executive director may promulgate rules to administer the loan program, subject to approval of the commission."

SECTION 14. Section 91.055, Human Resources Code, is amended to read as follows:

"Section 91.055. ELIGIBILITY FOR VOCATIONAL REHABILITATION SERVICES. [(a)] The commission shall provide vocational rehabilitation services to a blind disabled individual eligible for those services under federal law [if the individual:

"[(1) resides in this state and the director determines after investigation that the individual's vocational rehabilitation can be satisfactorily achieved; or

"[(2) is eligible for the services under an agreement with another state or the federal government.

"(b) Except as otherwise provided by law or an agreement with the federal government, the commission may provide the following vocational rehabilitation services at public expense only to disabled blind individuals who are found to require financial assistance:

"(1) physical restoration;

"(2) occupational licenses;

"(3) customary occupational tools and equipment;

"(4) training books and materials;

"(5) maintenance; and

"(6) transportation other than that provided to determine the individual's eligibility and the nature and extent of the vocational rehabilitation services necessary.

"(c) A disabled blind individual's right to maintenance is not transferable or assignable at law or in equity."

SECTION 15. Subsections (b) and (c), Section 91.056, Human Resources Code, are amended to read as follows:

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

"(c) The treasurer shall disburse state and federal vocational rehabilitation funds on certification by the executive director."

SECTION 16. Section 91.059, Human Resources Code, is amended to read as follows:

"Section 91.059. 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 his or her official duties."

SECTION 17. Subsection (a), Section 91.081, Human Resources Code, is amended to read as follows:

"(a) The purpose of this subchapter is to establish a comprehensive central state depository for braille, large print, slow speed records and machines, tape recordings and tape players, and related forms of media that will enable the Texas State Library, the Central Education Agency, the Texas [State] Commission for the Blind, volunteer organizations involved in the production of braille or recorded materials for the blind, the Library of Congress, and related types of organizations to work together more closely and effectively."

SECTION 18. The chapter heading of Chapter 91, Human Resources Code, is amended to read as follows:

"CHAPTER 91. TEXAS [STATE] COMMISSION FOR THE BLIND"

SECTION 19. Section 11.004, Human Resources Code, is amended to read as follows:

"Section 11.004. POWERS AND FUNCTIONS NOT AFFECTED. The provisions of this title are not intended to interfere with the powers and functions of the Texas Rehabilitation Commission, the Texas [State] Commission for the Blind, the division of maternal and child health of the Texas Department of Health, or county juvenile boards."

SECTION 20. Subsection (a), Section 81.010, Human Resources Code, as amended, is amended to read as follows:

"(a) The Technical Advisory Council for Planning and Operations is established. The commissioner of education, the commissioner of human resources, the commissioner of mental health and mental retardation, the commissioner of the Texas Rehabilitation Commission, the superintendent of the Texas School for the Deaf, the executive director of the Texas [State] Commission for the Blind, the chairman of the Texas Employment Commission, the executive director of the Governor's Committee on Aging, and the commissioner of health, or a designee of each, shall serve as ex officio members of the council. In addition, the executive director of the Texas Commission for the Deaf shall appoint a member of the faculty of a college or university who specializes in the area of training for the deaf, and shall appoint two representatives of nonprofit organizations which provide services for the deaf to serve on the council."

SECTION 21. Subdivision (6), Section 94.001, Human Resources Code, is amended to read as follows:

"(6) 'Commission' means the Texas [State] Commission for the Blind."

SECTION 22. Subsection (b), Section 112.012, Human Resources Code, is amended to read as follows:

“(b) The commissioner or executive director of each of the following agencies serves as a voting ex officio member of the council, and from time to time may designate an employee from the commissioner’s or executive director’s agency to represent him on the council:

- “(1) the Texas Department of Mental Health and Mental Retardation;
- “(2) the Texas Department of Human Resources;
- “(3) the Texas Department of Health;
- “(4) the Central Education Agency;
- “(5) the Texas Rehabilitation Commission;
- “(6) the *Texas [State]* Commission for the Blind; and
- “(7) the Texas Commission for the Deaf.”

SECTION 23. Subsection (a), Section 122.002, Human Resources Code, as amended, is amended to read as follows:

“(a) The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons is composed of the following members who are appointed by the governor with the advice and consent of the senate:

- “(1) a private citizen conversant with the problems incidental to the employment of blind persons;
- “(2) a private citizen conversant with the problems incidental to the employment of persons severely disabled by conditions other than blindness;
- “(3) a representative of a sheltered workshop for blind persons organized under state law;
- “(4) a representative of a sheltered workshop organized under state law to serve persons disabled by conditions other than blindness;
- “(5) a representative of the Texas Rehabilitation Commission;
- “(6) a representative of the State Purchasing and General Services Commission;
- “(7) a representative of the *Texas [State]* Commission for the Blind;
- “(8) a representative of the Texas Department of Mental Health and Mental Retardation; and
- “(9) a representative of private business who is knowledgeable in the activities and processes involved in the sale of goods or services to governmental entities.”

SECTION 24. Subsection (a), Section 122.004, Human Resources Code, as amended, is amended to read as follows:

“(a) The committee shall determine the fair market price of all products and services manufactured or provided by blind or other severely disabled persons and offered for sale to the various agencies and departments of the state and its political subdivisions by a nonprofit agency for blind or other severely disabled persons organized under state law and recognized by the *Texas [State]* Commission for the Blind or the Texas Rehabilitation Commission as capable of contributing to the purposes of this chapter.”

SECTION 25. Section 122.009, Human Resources Code, is amended to read as follows:

“Section 122.009. INTERAGENCY COOPERATION. State agencies responsible for the provision of rehabilitation and related services to blind or other severely disabled persons shall cooperate with the committee in the operation of this program. The *Texas [State]* Commission for the Blind, the Texas Rehabilitation Commission, and other state human services agencies responsible for assisting disabled persons may, through written agreements or interagency contracts, provide space, storage, logistical support, consultation, expert services, communications services, or financial assistance with respect to any function or responsibility of the committee. However, a state agency may not assume permanent fiscal responsibility for the expense of marketing the products and services of blind or other severely disabled persons under this program.”

SECTION 26. Section 122.010, Human Resources Code, is amended to read as follows:

“Section 122.010. RULES. The committee may adopt rules for the implementation, extension, administration, or improvement of the program authorized by this chapter. Rules adopted under this section do not take effect unless approved by the *Texas [State]* Commission for the Blind and the Texas Rehabilitation Commission.”

SECTION 27. Subsection (e), Section 132.002, Human Resources Code, is amended to read as follows:

“(e) The governing board of each of the following agencies shall appoint one person to represent that agency on the council:

- "(1) the Texas Department of Human Resources;
- "(2) the Texas Department of Mental Health and Mental Retardation;
- "(3) the Texas Department of Health;
- "(4) the Central Education Agency;
- "(5) the Texas Rehabilitation Commission;
- "(6) the Texas Commission for the Deaf;
- "(7) the *Texas [State]* Commission for the Blind;
- "(8) the Texas Department on Aging; and
- "(9) the Texas Commission on Alcoholism."

SECTION 28. Subsection (b), Section 11.052, Education Code, as amended, is amended to read as follows:

"(b) The Central Education Agency shall be responsible for:

"(1) the development of standards and guidelines for all special education services for the visually handicapped which it is authorized to provide or support pursuant to the provisions of this code, including matters related to standards and accreditation;

"(2) the supervision of such field offices as might from time to time be established to assist local school districts in serving visually handicapped children more effectively;

"(3) the development and administration of special programs for children handicapped by both serious visual loss and serious hearing loss;

"(4) the evaluation of special education services provided for visually handicapped children by local school districts and the approval or disapproval of state funding of such services; and

"(5) the maintenance of effective liaison between special education programs provided for the visually handicapped by local school districts and related initiatives exerted by the *Texas [State]* Commission for the Blind, the Department of Mental Health and Mental Retardation, the School for the Blind, and other related programs, agencies, or facilities as appropriate."

SECTION 29. Subsection (a), Section 11.061, Education Code, as amended, is amended to read as follows:

"(a) The Texas School for the Blind is governed by a nine-member board appointed by the governor in accordance with this section and confirmed by the senate. Three of the members must be blind persons, three must each be a parent of a blind person, and three must be experienced in working with blind persons. A person may not serve simultaneously on the board and the *Texas [State]* Commission for the Blind."

SECTION 30. Subsection (b), Section 11.091, Education Code, as amended, is amended to read as follows:

"(b) To the maximum extent feasible and practicable, the diagnostic and evaluation center shall utilize resources available in the Austin area through the *Texas [State]* Commission for the Blind, the Texas School for the Blind, the Criss Cole Rehabilitation Center, the State Department of Mental Health and Mental Retardation, the University of Texas, and other public or private organizations in the area."

SECTION 31. Subsection (a), Section 11.42, Education Code, is amended to read as follows:

"(a) The vocational rehabilitation division of the Central Education Agency is designated and authorized to provide for the rehabilitation of severely physically disabled Texas citizens, except those who are visually handicapped as defined by laws relating to the *Texas [State]* Commission for the Blind; provided that nothing herein contained shall affect or repeal the crippled children's restoration service authorized by Chapter 216, Acts of the 49th Legislature, 1945 (Article 4419c, Vernon's Texas Civil Statutes), administered by the crippled children's division of the State Department of Health, so far as that authority is consistent with laws relating to the *Texas [State]* Commission for the Blind."

SECTION 32. Subdivision (2) of Subsection (a) and Subsection (c), Section 54.205, Education Code, are amended to read as follows:

"(2) 'Blind person' means a person who is a 'blind disabled individual' as defined in Section 5, Chapter 291, Acts of the 59th Texas Legislature, Regular Session, 1965 (Article 3207c, Vernon's Texas Civil Statutes), and who is eligible for the rehabilitation services of the *Texas [State]* Commission for the Blind."

"(c) The governing board of an institution may establish special entrance requirements to fit the circumstances of deaf and blind persons. In order to obtain the maximum vocational benefits of their college training, all deaf students applying for a tuition exemption under this legislation shall cooperate with the Commission for Rehabilitation, and all blind students applying for a tuition exemption under this section shall cooperate with the *Texas [State]* Commission for the

Blind. The Commission for Rehabilitation and the *Texas [State]* Commission for the Blind shall utilize all available and appropriate resources at the institutions of higher education to insure that deaf or blind students receive the maximum benefits from college training for which tuition fee exemptions are claimed under this Act. The Commission for Rehabilitation, the *Texas [State]* Commission for the Blind, and the Coordinating Board, Texas College and University System, may develop any rules and procedures that these agencies determine necessary for the efficient implementation of this section."

SECTION 33. Subsection (j), Section 4.15, State Purchasing and General Services Act, as amended (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(j) The commission shall request the *Texas [State]* Commission for the Blind to determine under Section 94.003, Human Resources Code, if it is feasible to install a vending facility in the building in which the commission intends to lease space to a private tenant. If the installation of the facility is feasible, the commission shall permit the installation in accordance with Chapter 94, Human Resources Code. If a vending facility is installed, the commission may not lease any space in the building to a tenant that the commission, after consultation with the *Texas [State]* Commission for the Blind, determines would be in direct competition with the vending facility. If the *Texas [State]* Commission for the Blind determines that the installation of a vending facility is not feasible, the commission shall lease space to at least one private tenant whose activity in the building will be managed by a blind person or by a handicapped person who is not blind."

SECTION 34. Subsection (c), Section 3, Crippled Children's Services Act, as amended (Article 4419c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) The *Texas [State]* Commission for the Blind is responsible for providing services to crippled children whose sole or primary handicap is blindness or some other substantial visual handicap."

SECTION 35. Subsection (a), Section 9, Special Senses and Communication Disorders Act (Article 4419g, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) An interagency committee on special senses and communication disorders is established. The committee is composed of one delegate appointed by the chief administrative officer of each of the following agencies:

- "(1) the *Texas [State]* Commission for the Blind;
- "(2) the Texas Commission for the Deaf;
- "(3) the Texas Department of Human Resources;
- "(4) the Texas Department of Mental Health and Mental Retardation;
- "(5) the Central Education Agency;
- "(6) the Texas Department of Community Affairs;
- "(7) the Texas Department of Health;
- "(8) the Texas School for the Deaf; and
- "(9) the Texas School for the Blind."

SECTION 36. Subsection (a), Section 2, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) 'Institution' means an establishment which furnishes (in single or multiple facilities) food and shelter to four or more persons unrelated to the proprietor, and, in addition, provides minor treatment under the direction and supervision of a physician licensed by the Texas State Board of Medical Examiners, or services which meet some need beyond the basic provision of food, shelter, and laundry. Nothing in this Act shall apply to:

- "(1) a hotel or other similar place that furnishes only food and lodging, or either, to its guests;
- "(2) a hospital;
- "(3) an establishment conducted by or for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively upon prayer or spiritual means for healing, without the use of any drug or material remedy, provided safety, sanitary, and quarantine laws and regulations are complied with;
- "(4) an establishment that furnishes only baths and massages in addition to food, shelter and laundry;
- "(5) an institution operated by persons licensed by the Texas State Board of Chiropractic Examiners; or
- "(6) a facility operated within the jurisdiction of a state or federal governmental agency, including but not limited to the Texas Rehabilitation Commission, the Texas Department of

Mental Health and Mental Retardation, the Texas Department of Human Resources, the Texas [State] Commission for the Blind, the Texas Commission on Alcoholism, the Texas Department of Corrections, and the Veterans' Administration, where the facility is primarily engaged in training, habilitation, rehabilitation, or education of clients or residents, and such facility has been certified through inspection or evaluation as having met standards established by the state or a federal governmental agency.

“‘Institution’ also means any place or establishment in or at which any person receives, treats or cares for, overnight or longer, within a period of twelve months, four or more pregnant women or women who have within two weeks prior to such treatment or care had a child born to them; provided, however, that this definition shall not include women who receive maternity care in the home of a relative within the third degree of consanguinity or affinity, nor shall it include general or special hospitals licensed in pursuance of or as those terms are defined in the Texas Hospital Licensing Law. Nothing in this Act shall be construed to prohibit an institution, as defined in this subdivision, from simultaneously caring for pregnant women and other women under 50 years of age.

“‘Institution’ also means a foster care type residential facility providing room and board to fewer than four persons unrelated within the second degree of consanguinity or affinity to the proprietor and who, in addition to room and board, because of his physical or mental limitation or both, requires a level of care and services suitable to the needs of the individual which contribute to his health, comfort, and welfare; provided, however, that such institution shall be subject to licensure only upon written application for participation in the intermediate care program provided by Federal law as it now reads or may hereafter be amended.”

SECTION 37. (a) The name of the State Commission for the Blind is changed to the Texas Commission for the Blind. A reference in a statute to the “State Commission for the Blind” means the Texas Commission for the Blind.

(b) This Act does not require the Texas Commission for the Blind or any person to discard or change any printed material or equipment bearing the words “State Commission for the Blind.”

SECTION 38. Subdivisions (2) and (12) of Section 91.051 and Sections 91.022, 91.024, 91.025, 91.026, 91.029, 91.030, 91.031, 91.054, 91.057, and 91.060, Human Resources Code, are repealed.

SECTION 39. This Act takes effect September 1, 1985.

SECTION 40. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on February 6, 1985, by a viva-voce vote; passed the House on May 22, 1985, by a non-record vote.

Approved: June 15, 1985

Effective: September 1, 1985