

CHAPTER 343

H.B. No. 550

AN ACT

relating to the continuation, composition, powers, and duties of the Texas Commission for the Deaf and to the evaluation of interpreters for the deaf.

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

SECTION 1. Section 81.001, Human Resources Code, is amended to read as follows:

Sec. 81.001. **DEFINITIONS** [~~DEFINITION~~]. In this chapter:

(1) "Commission" [~~commission~~] means the Texas Commission for the Deaf.

(2) "Administrative costs" means expenditures by the commission for rent, professional contract services, including local contract administration, telephones, postage, travel, printing, supplies, vehicle and office machine repairs, furniture, computer services, gasoline, publications, and other miscellaneous costs incurred in the administration of the commission. The term does not include employee salaries, expenditures for the Board for Evaluation of Interpreters, and repair of telecommunication devices for the deaf reimbursed by the commission.

SECTION 2. Section 81.002, Human Resources Code, is amended by amending Subsections (c) and (e) and adding Subsection (f) to read as follows:

(c) *Except as provided by Subsection (b) of this section, appointments* [~~Appointments~~] to the commission shall be made without regard to the race, color, handicap, sex, religion, age, or national origin of the appointees.

(e) A person who is required to register as a lobbyist under Chapter 305, Government Code [422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes)], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the commission, may not serve as a member of the commission or act as the general counsel to the commission.

(f) *A person is not eligible for appointment as a member of the commission 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 funds or tangible goods from the commission.*

SECTION 3. Section 81.004, Human Resources Code, is amended to read as follows:

Sec. 81.004. APPLICATION OF SUNSET ACT. The Texas Commission for the Deaf is subject to the Texas Sunset Act (Chapter 325, Government Code). Unless the commission is continued in existence as provided by that Act, the commission is abolished and this chapter expires September 1, 1999 [1987].

SECTION 4. Section 81.006, Human Resources Code, is amended to read as follows:

Sec. 81.006. DUTIES AND POWERS. (a) The commission shall:

(1) develop and implement a statewide program of advocacy and education to ensure continuity of services to the deaf;

(2) provide direct services to the deaf, including interpreter services, information and referral services, message relay services, advocacy services, services to elderly deaf and hearing impaired, training in basic life skills and job-seeking skills, and individual and family counseling;

(3) work to ensure more effective coordination and cooperation among public and nonprofit organizations providing social and educational services to deaf individuals;

(4) establish a registry of available interpreters for the deaf and a catalogue of resources available for the needs of the deaf, both of which it shall disseminate to interested people and update annually;

(5) *establish a system to approve courses and workshops for the instruction and continuing education of interpreters for the deaf* [~~conduct, in consultation with institutions of higher education, interpreter training workshops and institutes designed to qualify interpreters for state certification, develop guidelines for instruction of interpreters for the deaf in institutions of higher education, and with the assistance of the Central Education Agency develop and implement standards for training interpreters for the deaf in institutions of higher education~~]; and

(6) annually review the schedule of fees recommended by the commission for the payment of interpreters and, as a result of the findings of the review and other relevant information, adopt by rule a schedule of reasonable fees to be paid to interpreters with varied levels of skill. [~~The schedule of fees must be made available and recommended for adoption by other state agencies.~~]

(b) The commission may:

(1) appoint one or more advisory committees to consult with and advise the commission and may reimburse the members of an advisory committee for the actual and necessary expenses incurred in performing duties requested by the commission;

(2) accept gifts, grants, and donations of money, personal property, or real property for use in expanding and improving services to deaf persons of this state;

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

(4) contract with or provide grants to agencies, organizations, or individuals as necessary to implement this chapter.

(c) *The schedule of fees adopted under Subsection (a)(6) of this section must be made available and recommended for adoption by other state agencies. If the commission determines by rule that certificates issued to interpreters by different entities represent equivalent skill levels, the fees recommended for the payment of interpreters holding those certificates must be equivalent. [The commission may charge and collect fees for training interpreters under Subdivision (5) of Subsection (a) of this section. The commission shall set the fees in an amount reasonable to defray the costs of conducting the training sessions.]*

(d) 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.

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

(f) The commission shall develop and implement policies that clearly define the respective responsibilities of the governing body of the commission and the staff of the commission.

(g) *The commission shall establish and charge reasonable fees for some or all commission publications to cover the commission's publication costs. However, the commission shall waive the fee if a deaf person is financially unable to pay for the publication, and may waive the fees for publications provided to certain entities. The commission shall adopt rules to implement this subsection. The rules must specify the standards used for determining ability to pay for a publication and must specify the types of entities for which the fees will be waived.*

(h) *The commission shall adopt a sliding fee scale for interpreter services that are provided in a nongovernmental setting and that are reimbursed by the commission. The entity collecting the fee shall collect it from the person or entity requesting the interpreter service. The fee scale must be based on the requestor's financial ability to pay for the service. However, a person who needs interpreter services may not be denied those services because the person is financially unable to pay. The commission shall adopt rules to implement this subsection.*

SECTION 5. Section 81.0061(b), Human Resources Code, is amended to read as follows:

(b) The commission by rule shall adopt a schedule of reasonable fees recommended for the payment of interpreters required by law to be provided in proceedings of state agencies, courts, and political subdivisions. In adopting the schedule, the commission shall consider the recommendations of the Texas Society of Interpreters for the Deaf and the National Registry of Interpreters for the Deaf. *If the commission determines by rule that certificates issued to interpreters by different entities represent equivalent skill levels, the fees recommended for the payment of interpreters holding those certificates must be equivalent.*

SECTION 6. Section 81.007, Human Resources Code, is amended to read as follows:

Sec. 81.007. BOARD FOR EVALUATION OF INTERPRETERS. (a) The commission may establish a program in accordance with this section for the certification of interpreters who have reached varying levels of proficiency in communication skills necessary to communicate with deaf and hearing-impaired individuals.

(b) The commission shall appoint a board of five persons to administer the certification program.

(c) Subject to approval of the commission, the board shall prescribe qualifications for each of several levels of certification based on proficiency and shall evaluate and certify interpreters using these qualifications.

(d) The commission shall use the recommendations of the board in compiling a statewide registry of interpreters by skill level. The registry must, in addition to other pertinent information, include recommendations relating to the appropriate selection and utilization of interpreters for the deaf. The registry must be made available to and recommended for adoption by state commissions, departments, and agencies.

(e) The commission shall ~~may~~ charge fees for an application for certification, ~~a reasonable fee~~ for the administration of an examination, and for the renewal of a certificate. *The fees must be in an amount sufficient to recover the costs of the certification program* ~~[or other requirements for certification of an applicant].~~

(f) Based on the board's recommendations, the commission may waive any certification requirement for an applicant with a valid certificate from another state having certification requirements substantially equivalent to those of this state.

~~(g) [The commission may recognize, prepare, or administer continuing education programs for interpreters. Participation in the programs is voluntary.]~~

~~(h)~~ The commission by rule may adopt a system under which certificates expire on various dates during the year.

(h) ~~(i)~~ The commission shall adopt rules specifying the grounds for denying, suspending, or revoking an interpreter's certificate.

(i) *The board shall conduct the interpreter examinations in Austin at the commission's office or in other space owned or leased by the state that can be obtained free of charge. The board shall determine the frequency with which it will conduct the examinations.*

(j) *The board shall work jointly with the Texas Rehabilitation Commission to develop a communication competency evaluation for vocational rehabilitation counselors and other Texas Rehabilitation Commission staff who work with deaf and hearing-impaired clients. The evaluation program must be included in the memorandum of understanding between the commission and the Texas Rehabilitation Commission required by Section 81.017 of this code, and that memorandum must specify which Texas Rehabilitation Commission employees will be evaluated under the program.*

SECTION 7. Sections 81.011(a), (c), and (f), Human Resources Code, are amended to read as follows:

(a) The commission shall administer a program for the use of telecommunication devices for the deaf in selected state agencies and in emergency dispatch communication centers in selected units of local government, including counties, municipalities, and other political subdivisions that administer emergency response systems. The program shall cover the *placement and use of telecommunication devices for the deaf purchased by the commission* ~~[placed in selected state agencies and units of local government]~~ under prior law. *However, the commission may not purchase additional devices unless authorized by specific appropriation* ~~[but may not authorize further initial placements].~~

(c) After placement, a purchased device *remains* ~~[shall remain]~~ the property of the commission. The commission is responsible for the repair, upkeep, and proper functioning of all devices included in the commission's property inventory lists. *The commission may require an entity in which a device is placed to pay for parts and labor costs incurred in repairing a device placed with that entity.*

(f) The commission shall remove all telecommunication devices for the deaf placed in selected state agencies ~~[under prior law]~~ that have not been used to communicate with a deaf or hearing-impaired person in any six-month period after September 1, 1983. The commission *may reassign any device, but shall reassign a device if it determines that reassignment is necessary to maximize its use.* ~~[The commission may determine appropriate placements for those telecommunication devices removed from selected state agencies due to nonuse.]~~ The primary criteria for making these *reassignments* ~~[placements]~~ shall be a determination of where the greatest number of deaf and hearing-impaired persons

will receive maximum benefits. *The commission may place a reassigned device only with a public entity, other than a federal agency, or with a private entity that has a contract with the commission to provide services to the deaf* [~~by the placement and may include placements in entities other than state agencies and units of local government~~].

SECTION 8. Section 81.016(c), Human Resources Code, is amended to read as follows:

(c) The commission shall review all proposals submitted under this section and shall award the contract or grant to the applicant that the commission determines is best able to provide the needed services. The commission may not award contracts or grants to a former *employee* [~~employees~~] of the commission *within two years after the person's employment with the commission ceased*.

SECTION 9. Chapter 81, Human Resources Code, is amended by adding Section 81.017 to read as follows:

Sec. 81.017. MEMORANDUM OF UNDERSTANDING. (a) The commission and each of the following agencies shall adopt by rule a memorandum of understanding to coordinate the delivery of services to deaf persons and to reduce duplication of services:

- (1) *the Texas Department of Human Services;*
- (2) *the Texas Department of Mental Health and Mental Retardation;*
- (3) *the Texas Employment Commission;*
- (4) *the Texas Department of Health;*
- (5) *the Coordinating Board, Texas College and University System;*
- (6) *the Central Education Agency;*
- (7) *the Texas Department on Aging;*
- (8) *the Texas School for the Deaf;*
- (9) *the Texas Rehabilitation Commission;*
- (10) *the Texas Department of Corrections; and*
- (11) *any other state agency involved in providing services to deaf persons.*

(b) If gaps in the delivery of services are identified while developing a memorandum, the involved agencies shall formulate in the memorandum methods to reduce or eliminate those gaps.

(c) Not later than the last month of each state fiscal year, the commission and the other agencies shall review their respective memorandums.

SECTION 10. Chapter 81, Human Resources Code, is amended by adding Section 81.018 to read as follows:

Sec. 81.018. ADMINISTRATIVE COSTS. Administrative costs of the commission may not exceed 20 percent of the total amount appropriated to the commission for each fiscal year.

SECTION 11. Section 81.002(f), Human Resources Code, as added by this Act, does not apply to a member of the Texas Commission for the Deaf who holds office on the effective date of this Act.

SECTION 12. (a) The Texas Commission for the Deaf and each agency listed in Section 81.017, Human Resources Code, as added by this Act, must adopt their respective memorandums of understanding not later than September 1, 1988.

(b) All Texas Rehabilitation Commission employees required to be evaluated for communication competency under the memorandum adopted by the Texas Rehabilitation Commission and the Texas Commission for the Deaf must be evaluated not later than September 1, 1989.

SECTION 13. Section 81.0091, Human Resources Code, is repealed.

SECTION 14. This Act takes effect September 1, 1987.

SECTION 15. 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

Ch. 343, § 15

70th LEGISLATURE—REGULAR SESSION

constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 15, 1987, by a non-record vote. Passed by the Senate on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 11, 1987.

Effective Sept. 1, 1987.