

By: Birdwell, et al.

S.B. No. 212

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the abolishment of the Texas Council on Purchasing from
3 People with Disabilities and the transfer of its functions to the
4 comptroller of public accounts.

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

6 SECTION 1. Sections 2155.138(a) and (b), Government Code,
7 are amended to read as follows:

8 (a) The competitive bidding provisions of this chapter do
9 not apply to a state purchase of goods or services that:

10 (1) are made or provided by blind or visually impaired
11 persons;

12 (2) are offered for sale to a state agency through
13 efforts made under Chapter 122, Human Resources Code [~~law by the~~
14 ~~Texas Council on Purchasing from People with Disabilities~~];

15 (3) meet state specifications for quantity, quality,
16 delivery, and life cycle costs; and

17 (4) cost not more than the fair market price of similar
18 items.

19 (b) The comptroller [~~council~~] shall test the goods and
20 services to the extent necessary to ensure quality. The
21 comptroller [~~council~~] may enter into a contract with a private or
22 public entity to assist with testing.

23 SECTION 2. The heading to Chapter 122, Human Resources
24 Code, is amended to read as follows:

1 CHAPTER 122. [~~TEXAS COUNCIL ON~~] PURCHASING FROM PEOPLE WITH
2 DISABILITIES

3 SECTION 3. Section 122.0057, Human Resources Code, is
4 amended to read as follows:

5 Sec. 122.0057. ADVISORY COMMITTEE. (a) The comptroller
6 shall [~~council may~~] establish an advisory committee to assist the
7 comptroller in establishing:

8 (1) performance goals for the program administered
9 under this chapter; and

10 (2) criteria for certifying a community
11 rehabilitation program for participation in the program
12 administered under this chapter [~~if the council considers the~~
13 ~~committee necessary. The membership of the committee is determined~~
14 ~~by the council~~].

15 (b) The advisory committee consists of nine members
16 appointed by the comptroller as follows:

17 (1) two representatives from community rehabilitation
18 programs that participate in the program administered under this
19 chapter;

20 (2) three representatives from organizations that
21 advocate for persons with disabilities;

22 (3) one representative from a state agency that
23 provides vocational rehabilitation services to persons with
24 disabilities; and

25 (4) three persons with disabilities, one of whom is
26 employed by a community rehabilitation program that participates in
27 the program administered under this chapter [~~The council shall~~

1 ~~specify the purpose and duties of the advisory committee, which~~
2 ~~must include:~~

3 ~~[(1) reviewing the effectiveness of the program~~
4 ~~administered under this chapter, and~~

5 ~~[(2) recommending procedures to create higher skilled~~
6 ~~and higher paying employment opportunities].~~

7 (c) Members of the ~~[an]~~ advisory committee serve at the will
8 of the comptroller ~~[council. The council may dissolve an advisory~~
9 ~~committee when appropriate].~~

10 (d) The comptroller shall appoint a presiding officer from
11 among the advisory committee members ~~[The council shall make~~
12 ~~reasonable attempts to have balanced representation on all advisory~~
13 ~~committees, including attempting to seek representation from:~~

14 ~~[(1) the Lighthouse for the Blind community~~
15 ~~rehabilitation programs,~~

16 ~~[(2) the Goodwill community rehabilitation programs,~~

17 ~~[(3) the Texas Department of Mental Health and Mental~~
18 ~~Retardation community rehabilitation program,~~

19 ~~[(4) other community rehabilitation programs,~~

20 ~~[(5) representatives from central nonprofit agencies,~~

21 ~~[(6) representatives of disability advocacy groups,~~

22 ~~[(7) government purchasing agents with knowledge of~~
23 ~~this chapter,~~

24 ~~[(8) private industry representatives with knowledge~~
25 ~~of this chapter, and~~

26 ~~[(9) private citizens who have a disability and have~~
27 ~~knowledge of the sale of products and services].~~

1 (e) The members of the advisory committee serve staggered
2 four-year terms, with the terms of either four or five members
3 expiring February 1 of each odd-numbered year. A member may not
4 serve more than two terms.

5 (f) A vacancy on the committee shall be filled in the same
6 manner as the original appointment for that position.

7 (g) The advisory committee shall meet at the call of the
8 presiding officer.

9 (h) The advisory committee shall:

10 (1) establish specific objectives for the program
11 administered under this chapter that are appropriate given the
12 program's status as one of several employment-related services this
13 state offers to persons with disabilities;

14 (2) develop performance measures that may be used by
15 the comptroller to evaluate whether the program is meeting the
16 objectives established under Subdivision (1); and

17 (3) recommend criteria for certifying community
18 rehabilitation programs for participation in the program.

19 (i) In developing the performance measures under Subsection
20 (h), the advisory committee must consider the following factors as
21 applicable to the program administered under this chapter:

22 (1) the percentage of total sales revenue attributable
23 to the program:

24 (A) paid in wages to persons with disabilities;
25 and

26 (B) spent on direct training and professional
27 development services for persons with disabilities;

1 (2) the average hourly wage earned by a person
2 participating in the program;

3 (3) the average annual salary earned by a person
4 participating in the program;

5 (4) the number of persons with disabilities
6 participating in the program paid less than minimum wage;

7 (5) the average number of hours worked each week by a
8 person with a disability who participates in the program;

9 (6) the percentage of persons with disabilities who
10 participate in the program and who are placed into competitive
11 positions, including competitive management or administrative
12 positions within community rehabilitation programs; and

13 (7) the percentage of work performed by persons with
14 disabilities who participate in the program that is purely
15 repackaging labor.

16 (j) The advisory committee shall meet at the call of the
17 presiding officer at least once each fiscal year to review and, if
18 necessary, recommend changes to program objectives, performance
19 measures, and criteria established under Subsection (h).

20 (k) The advisory committee shall provide input to the
21 comptroller in adopting rules applicable to the program
22 administered under this chapter relating to the employment-first
23 policies described by Sections [531.02447](#) and [531.02448](#), Government
24 Code.

25 (l) The advisory committee may request administrative
26 support from the comptroller. The comptroller shall provide the
27 requested assistance.

1 (m) The advisory committee is not subject to Chapter 2110,
2 Government Code.

3 SECTION 4. Chapter 122, Human Resources Code, is amended by
4 adding Section 122.0058 to read as follows:

5 Sec. 122.0058. APPLICATION OF OPEN MEETINGS LAW, OPEN
6 RECORDS LAW, AND ADMINISTRATIVE PROCEDURE LAW TO ADVISORY
7 COMMITTEE. The advisory committee established under Section
8 122.0057 is subject to the requirements of the open meetings law,
9 Chapter 551, Government Code, the open records law, Chapter 552,
10 Government Code, and Chapter 2001, Government Code.

11 SECTION 5. Sections 122.007(a), (c), (d), and (e), Human
12 Resources Code, are amended to read as follows:

13 (a) The comptroller [~~council~~] shall determine the fair
14 market price of all products and services manufactured or provided
15 by persons with disabilities and offered for sale to the various
16 agencies and departments of the state and its political
17 subdivisions by a community rehabilitation program participating
18 in the program administered under this chapter. The comptroller
19 [~~council~~] shall ensure that the products and services offered for
20 sale offer the best value for the state or a political subdivision.

21 (c) The comptroller [~~council~~] shall revise the prices
22 periodically to reflect changing market conditions.

23 (d) Before offering for sale products and services
24 manufactured or provided by persons with disabilities to state
25 agencies and political subdivisions, the comptroller [~~council~~]
26 shall test the goods and services in accordance with Section
27 2155.069, Government Code, to the extent necessary to ensure

1 quality. The comptroller [~~council~~] may enter into a contract with a
2 private or public entity to assist with testing. The comptroller
3 [~~commission~~] shall make awards under this section based on proposed
4 goods and services meeting formal state specifications developed by
5 the comptroller [~~commission~~] or meeting commercial specifications
6 approved by the comptroller [~~commission~~].

7 (e) Requisitions for products and services required by
8 state agencies are processed by the comptroller [~~commission~~]
9 according to rules established by the comptroller [~~commission~~].

10 SECTION 6. Section [122.008](#), Human Resources Code, is
11 amended to read as follows:

12 Sec. 122.008. PROCUREMENT AT DETERMINED PRICE. A suitable
13 product or service that meets applicable specifications
14 established by the state or its political subdivisions and that is
15 available within the time specified must be procured from a
16 community rehabilitation program at the price determined by the
17 comptroller [~~council~~] to be the fair market price under Section
18 [122.007](#).

19 SECTION 7. Sections [122.009](#)(a) and (b), Human Resources
20 Code, are amended to read as follows:

21 (a) The records of the comptroller [~~council~~] and of a
22 central nonprofit agency shall, to the extent that the records
23 pertain specifically to state purchases of the products and
24 services of persons with disabilities, be made available upon
25 request to the inspection of representatives of the state auditor,
26 the governor's budget office, or the Legislative Budget Board. The
27 inspection of the records shall be conducted with due regard to the

1 privacy rights of persons with disabilities. A document that is
2 available for inspection under this subsection is an open record
3 for purposes of Chapter 552, Government Code.

4 (b) The comptroller shall maintain [~~commission is the~~
5 ~~depository for~~] all records concerning the comptroller's
6 [~~council's~~] operations under this chapter.

7 SECTION 8. Sections [122.0095](#)(a), (d), and (e), Human
8 Resources Code, are amended to read as follows:

9 (a) Each state agency that purchases products or services
10 through a program under this chapter shall:

11 (1) designate an agency employee to ensure that the
12 agency complies with this chapter; and

13 (2) report to the comptroller [~~commission and the~~
14 ~~council~~] the purchase of products or services available from a
15 central nonprofit agency or community rehabilitation program under
16 this chapter, but purchased from another business that is not a
17 central nonprofit agency or community rehabilitation program under
18 this chapter.

19 (d) The comptroller [~~commission~~] shall post the reports
20 required by Subsection (a)(2) on the comptroller's [~~commission's~~]
21 website.

22 (e) The comptroller [~~council~~] shall review and analyze the
23 information contained in the reports under this section and
24 Sections [122.012](#) and [122.016](#) [~~The commission shall assist the~~
25 ~~council in reviewing and analyzing the reports~~] in order to improve
26 state agency compliance with this chapter.

27 SECTION 9. Section [122.010](#), Human Resources Code, is

1 amended to read as follows:

2 Sec. 122.010. COOPERATION WITH DEPARTMENT OF CRIMINAL
3 JUSTICE. The comptroller [~~council~~] may cooperate with the Texas
4 Department of Criminal Justice to accomplish the purposes of this
5 chapter and to contribute to the economy of state government. The
6 comptroller [~~council~~] and the department may enter into contractual
7 agreements, cooperative working relationships, or other
8 arrangements necessary for effective coordination and the
9 realization of the objectives of both entities.

10 SECTION 10. Section [122.011](#), Human Resources Code, is
11 amended to read as follows:

12 Sec. 122.011. CORRELATION WITH RELATED FEDERAL PROGRAMS.
13 The comptroller [~~council~~] may adopt procedures, practices, and
14 standards used for federal programs similar to the state program
15 established in this chapter.

16 SECTION 11. Section [122.012](#), Human Resources Code, is
17 amended to read as follows:

18 Sec. 122.012. DUTIES OF COMPTROLLER [~~COMMISSION~~];
19 INTERAGENCY COOPERATION. (a) The comptroller [~~commission~~] shall
20 perform the comptroller's duties under this chapter with assistance
21 from the advisory committee established under Section [122.0057](#)
22 [~~provide legal and other necessary support to the council~~] in
23 accordance with legislative appropriation[~~. The commission shall~~
24 ~~assign an upper-level management employee to ensure that the~~
25 ~~commission meets the requirements of this chapter~~].

26 (b) State agencies responsible for the provision of
27 rehabilitation and related services to persons with disabilities

1 shall cooperate with the comptroller [~~council~~] in the operation of
2 the program. The Department of Assistive and Rehabilitative
3 Services [~~Texas Commission for the Blind, the Texas Rehabilitation~~
4 ~~Commission,~~] and other state human services agencies responsible
5 for assisting persons with disabilities may, through written
6 agreements or interagency contracts, provide space, storage,
7 logistical support, consultation, expert services, communications
8 services, or financial assistance with respect to any function or
9 responsibility of the comptroller under this chapter [~~council~~].

10 (c) The comptroller [~~commission~~] or a state agency may not
11 assume the marketing or fiscal responsibility for the expense of
12 marketing the products and services of persons with disabilities
13 under the program.

14 (d) The comptroller [~~commission~~] shall include the programs
15 administered under this chapter in the comptroller's [~~commission's~~]
16 procurement policy manuals.

17 (e) After any audit or review the comptroller [~~commission~~]
18 conducts with regard to state agency compliance with purchasing
19 laws and procedures, the comptroller [~~commission~~] shall assist
20 [~~report to the council~~] a state agency that is not complying with
21 this chapter to comply with this chapter.

22 SECTION 12. Sections 122.013(a) and (c), Human Resources
23 Code, are amended to read as follows:

24 (a) The comptroller [~~council~~] shall adopt rules for the
25 implementation, extension, administration, or improvement of the
26 program authorized by this chapter in accordance with Chapter 2001,
27 Government Code.

1 (c) The comptroller [~~council~~] shall adopt rules to:

2 (1) address possible conflicts of interest for central
3 nonprofit agencies and community rehabilitation programs;

4 (2) establish a process for the certification of
5 community rehabilitation programs;

6 (3) establish a minimum percentage of disabled labor
7 an organization must employ to be considered a community
8 rehabilitation program under this chapter; and

9 (4) define the terms "value-added" and "direct labor"
10 for products manufactured and services provided that are offered
11 for sale under this chapter.

12 SECTION 13. Section [122.014](#), Human Resources Code, is
13 amended to read as follows:

14 Sec. 122.014. PRODUCT SPECIFICATIONS. Except as otherwise
15 provided by this section, a product manufactured for sale through
16 the comptroller [~~commission~~] to any office, department,
17 institution, or agency of the state under this chapter shall be
18 manufactured or produced according to specifications developed by
19 the comptroller [~~commission~~]. If the comptroller [~~commission~~] has
20 not adopted specifications for a particular product, the production
21 shall be based on commercial or federal specifications in current
22 use by industry for the manufacture of the product for sale to the
23 state.

24 SECTION 14. Section [122.015\(a\)](#), Human Resources Code, is
25 amended to read as follows:

26 (a) In determining the fair market value of products or
27 services offered for sale under this chapter, the comptroller

1 [~~subcommittee established under Section 122.007(b) and the~~
2 ~~council~~] shall give due consideration to the following type of
3 factors:

4 (1) to the extent applicable, the amounts being paid
5 for similar articles in similar quantities by federal agencies
6 purchasing the products or services under the authorized federal
7 program of like effect to the state program authorized by this
8 chapter;

9 (2) the amounts which private business would pay for
10 similar products or services in similar quantities if purchasing
11 from a reputable corporation engaged in the business of selling
12 similar products or services;

13 (3) to the extent applicable, the amount paid by the
14 state in any recent purchases of similar products or services in
15 similar quantities, making due allowance for general inflationary
16 or deflationary trends;

17 (4) the actual cost of manufacturing the product or
18 performing a service at a community rehabilitation program offering
19 employment services on or off premises to persons with
20 disabilities, with adequate weight to be given to legal and moral
21 imperatives to pay workers with disabilities equitable wages; and

22 (5) the usual, customary, and reasonable costs of
23 manufacturing, marketing, and distribution.

24 SECTION 15. Section 122.016, Human Resources Code, is
25 amended to read as follows:

26 Sec. 122.016. EXCEPTIONS. (a) Exceptions from the
27 operation of the mandatory provisions of Section 122.014 may be

1 made in any case where:

2 (1) under the rules of the comptroller [~~commission~~],
3 the product or service so produced or provided does not meet the
4 reasonable requirements of the office, department, institution, or
5 agency; or

6 (2) the requisitions made cannot be reasonably
7 complied with through provision of products or services produced by
8 persons with disabilities.

9 (b) Each month, the comptroller [~~commission~~] shall prepare
10 [~~provide the council with~~] a list of all items purchased under the
11 exception provided by Subsection (a) [~~of this section~~]. The
12 comptroller [~~council~~] shall adopt the form in which the list is to
13 be provided and may include in [~~require~~] the list [~~to include~~] the
14 date of requisition, the type of product or service requested, the
15 reason for purchase under the exception, and any other information
16 that the comptroller [~~council~~] considers relevant to a
17 determination of why the product or service was not purchased in
18 accordance with Section [122.014](#).

19 (c) No office, department, institution, or agency may evade
20 the intent of this section by slight variations from standards
21 adopted by the comptroller [~~commission~~], when the products or
22 services produced or provided by persons with disabilities, in
23 accordance with established standards, are reasonably adapted to
24 the actual needs of the office, department, institution, or agency.

25 SECTION 16. Section [122.019](#), Human Resources Code, is
26 amended to read as follows:

27 Sec. 122.019. CENTRAL NONPROFIT AGENCY. (a) The

1 comptroller [~~council~~] may select and contract with one or more
2 central nonprofit agencies through a request for proposals for a
3 period not to exceed five years. Once the selection process is
4 completed, the comptroller [~~council~~] shall contract with a central
5 nonprofit agency to:

6 (1) recruit and assist community rehabilitation
7 programs in developing and submitting applications for the
8 selection of suitable products and services;

9 (2) facilitate the distribution of orders among
10 community rehabilitation programs;

11 (3) manage and coordinate the day-to-day operation of
12 the program, including the general administration of contracts with
13 community rehabilitation programs;

14 (4) promote increased supported employment
15 opportunities for persons with disabilities; and

16 (5) recruit and assist qualified nonprofit
17 organizations that are managed by members of racial minorities,
18 women, or persons with disabilities and that are in the process of
19 qualifying as community rehabilitation programs.

20 (b) The services of a central nonprofit agency may include
21 marketing and marketing support services, such as:

22 (1) assistance to community rehabilitation programs
23 regarding solicitation and negotiation of contracts;

24 (2) direct marketing of products and services to
25 consumers;

26 (3) research and development of products and services;

27 (4) public relations activities to promote the

1 program;

2 (5) customer relations;

3 (6) education and training;

4 (7) accounting services related to purchase orders,
5 invoices, and payments to community rehabilitation programs; and

6 (8) other duties designated by the comptroller
7 ~~[council]~~.

8 (c) Each year, the comptroller ~~[council]~~ shall review
9 services provided by a central nonprofit agency and the revenues
10 required to accomplish the program to determine whether each
11 agency's performance complies with contractual specifications.
12 Not later than the 60th day before the review, the comptroller
13 ~~[council]~~ shall publish in the Texas Register a request for comment
14 on the services of a central nonprofit agency that participates in
15 community rehabilitation programs.

16 (d) At least once during each five-year period, the
17 comptroller ~~[council]~~ may review and renegotiate the contract with
18 a central nonprofit agency. Not later than the 60th day before the
19 date the comptroller ~~[council]~~ adopts or renews a contract, the
20 comptroller ~~[council]~~ shall publish notice of the proposed contract
21 in the Texas Register.

22 (e) The comptroller shall determine the best method to
23 structure the maximum management fee rate charged by a central
24 nonprofit agency for its services ~~[must be computed as a percentage~~
25 ~~of the selling price of the product or the contract price of a~~
26 ~~service, must be included in the selling price or contract price,~~
27 ~~and must be paid at the time of sale].~~ The management fee rate must

1 be ~~[approved by the council and must be]~~ reviewed on an annual
2 basis.

3 (f) A percentage of the management fee described by
4 Subsection (e) shall be paid to the comptroller ~~[council]~~ and is
5 subject to Section 122.023. The percentage shall be set by the
6 comptroller ~~[council]~~ in the amount necessary to reimburse the
7 general revenue fund for direct and reasonable costs incurred by
8 the comptroller ~~[commission, the council, and the council staff]~~ in
9 administering the comptroller's ~~[council's]~~ duties under this
10 chapter, including any costs associated with providing support to
11 the advisory committee.

12 (g) The comptroller ~~[council]~~ may terminate a contract with
13 a central nonprofit agency if:

14 (1) the comptroller ~~[council]~~ finds substantial
15 evidence of the central nonprofit agency's noncompliance with
16 contractual obligations; and

17 (2) the comptroller ~~[council]~~ has provided at least 30
18 days' notice to the central nonprofit agency of the termination of
19 the contract.

20 (h) The comptroller ~~[council]~~ may request an audit by the
21 state auditor of:

22 (1) the management fee set by a central nonprofit
23 agency; or

24 (2) the financial condition of a central nonprofit
25 agency.

26 (i) A person may not operate a community rehabilitation
27 program and at the same time contract with the comptroller

1 ~~[council]~~ as a central nonprofit agency.

2 SECTION 17. Section 122.020, Human Resources Code, is
3 amended to read as follows:

4 Sec. 122.020. CONSUMER INFORMATION; COMPLAINTS. (a) The
5 comptroller ~~[council]~~ shall prepare information of consumer
6 interest describing the activities of the comptroller under this
7 chapter ~~[council]~~ and describing the comptroller's ~~[council's]~~
8 procedures by which consumer complaints are filed with and resolved
9 by the comptroller under this chapter ~~[council]~~. The comptroller
10 ~~[council]~~ shall make the information available to the general
11 public and appropriate state agencies.

12 (b) The comptroller ~~[council]~~ shall keep an information
13 file about each complaint filed with the comptroller ~~[council]~~. The
14 file must include:

- 15 (1) the name of the person who filed the complaint;
16 (2) the date the complaint is received by the
17 comptroller ~~[council]~~;
18 (3) the subject matter of the complaint;
19 (4) the name of each person contacted in relation to
20 the complaint;
21 (5) a summary of the results of the review or
22 investigation of the complaint; and
23 (6) an explanation of the reason the file was closed,
24 if the comptroller ~~[council]~~ closed the file without taking action
25 other than to investigate the complaint.

26 (c) If a written complaint is filed with the comptroller
27 ~~[council]~~, the comptroller ~~[council]~~, at least as frequently as

1 quarterly and until final disposition of the complaint, shall
2 notify the parties to the complaint of the status of the complaint
3 unless the notice would jeopardize an undercover investigation.

4 (d) The comptroller [~~council~~] shall provide to the person
5 filing the complaint and to each person who is a subject of the
6 complaint a copy of the comptroller's [~~council's~~] policies and
7 procedures relating to complaint investigation and resolution.

8 SECTION 18. Sections [122.0205](#)(a) and (c), Human Resources
9 Code, are amended to read as follows:

10 (a) A dispute between the comptroller [~~council~~] and a
11 central nonprofit agency or a community rehabilitation program
12 shall first be submitted to alternative dispute resolution.

13 (c) This section does not limit the comptroller's
14 [~~council's~~] ability to request opinions from the attorney general.

15 SECTION 19. Section [122.0215](#), Human Resources Code, is
16 amended to read as follows:

17 Sec. 122.0215. ACCESS TO INFORMATION AND RECORDS;
18 INSPECTION. (a) The comptroller [~~council~~] and the comptroller's
19 [~~council's~~] staff may access financial or other information and
20 records from a central nonprofit agency or a community
21 rehabilitation program if the comptroller [~~council~~] determines the
22 information and records are necessary for the effective
23 administration of this chapter and rules adopted under this
24 chapter.

25 (b) Information and records must be obtained under
26 Subsection (a) in recognition of the privacy interest of persons
27 employed by central nonprofit agencies or community rehabilitation

1 programs. The information and records may not be released or made
2 public on subpoena or otherwise, except that release may be made:

3 (1) for statistical purposes, but only if a person is
4 not identified;

5 (2) with the consent of each person identified in the
6 information released; or

7 (3) regarding a compensation package of any central
8 nonprofit agency employee or subcontractor if determined by the
9 comptroller [~~council~~] to be relevant to the administration of this
10 chapter.

11 (c) The comptroller [~~council~~] shall adopt rules
12 establishing procedures to ensure that the information and records
13 maintained by the comptroller [~~council~~] under this chapter are kept
14 confidential and protected from release to unauthorized persons.

15 (d) The comptroller [~~council~~] or a central nonprofit agency
16 at the comptroller's [~~council's~~] direction may inspect a community
17 rehabilitation program for compliance with certification criteria
18 established under Section [~~Sections 122.003(j) and~~] 122.013(c).
19 [~~The committee designated under Section 122.003(j) shall review the~~
20 ~~inspection results and recommend appropriate action to the~~
21 ~~council.~~]

22 SECTION 20. Section 122.022, Human Resources Code, is
23 amended to read as follows:

24 Sec. 122.022. REPORTS. (a) On or before November 1 of each
25 year, the comptroller [~~council~~] shall prepare an annual financial
26 report in the form prescribed by Section 2101.011, Government Code,
27 relating to the comptroller's activities under this chapter and

1 file the report with the governor and the presiding officer of each
2 house of the legislature [~~a copy of the annual financial report~~
3 ~~prepared by the council under Section 2101.011, Government Code~~].

4 (b) As part of the report filed under Subsection (a), the
5 comptroller [~~council~~] shall provide:

6 (1) the number of persons with disabilities, according
7 to their type of disability, who are employed in community
8 rehabilitation programs participating in the programs established
9 by this chapter or who are employed by businesses or workshops that
10 receive supportive employment from community rehabilitation
11 programs;

12 (2) the amount of annual wages paid to a person
13 participating in the program;

14 (3) a summary of the sale of products offered by a
15 community rehabilitation program;

16 (4) a list of products and services offered by a
17 community rehabilitation program;

18 (5) the geographic distribution of the community
19 rehabilitation programs;

20 (6) the number of nondisabled workers who are employed
21 in community rehabilitation programs under this chapter; and

22 (7) the average and range of weekly earnings for
23 disabled and nondisabled workers who are employed in community
24 rehabilitation programs under this chapter.

25 SECTION 21. Section 122.023, Human Resources Code, is
26 amended to read as follows:

27 Sec. 122.023. COMPTROLLER [~~COUNCIL~~] FUNDS. All money paid

1 to the comptroller [~~council~~] under this chapter is subject to
2 Subchapter F, Chapter 404, Government Code.

3 SECTION 22. Section [122.024](#), Human Resources Code, is
4 amended to read as follows:

5 Sec. 122.024. STRATEGIC PLAN; FINAL OPERATING PLAN. The
6 comptroller [~~council~~] shall prepare a [~~an agency~~] strategic plan
7 and a final operating plan relating to the comptroller's activities
8 under this chapter as required by Subchapter E, Chapter 2054,
9 Government Code.

10 SECTION 23. Section [122.028](#), Human Resources Code, is
11 amended to read as follows:

12 Sec. 122.028. PROGRAM PROMOTION. The comptroller [~~council~~]
13 shall establish procedures for the promotion of the program
14 administered under this chapter.

15 SECTION 24. Section [122.029](#), Human Resources Code, is
16 amended to read as follows:

17 Sec. 122.029. DUTIES OF STATE AUDITOR. (a) As part of an
18 audit of a state agency authorized under Section [2161.123](#),
19 Government Code, the state auditor shall:

20 (1) conduct an audit of a state agency for compliance
21 with this chapter; and

22 (2) report to the comptroller [~~council~~] a state agency
23 that is not complying with this chapter.

24 (b) If the state auditor reports to the comptroller
25 [~~council~~] that a state agency is not complying with this chapter,
26 the comptroller [~~council~~] shall assist the agency in complying.

27 SECTION 25. Section [122.030](#), Human Resources Code, is

1 amended to read as follows:

2 Sec. 122.030. MANAGEMENT FEE RATE; REVIEW PROCESS. (a)
3 The comptroller [~~council~~] shall develop a formal review process for
4 the annual review conducted under Section 122.019(e). The review
5 process must include:

6 (1) notice to affected parties, including community
7 rehabilitation programs;

8 (2) solicitation of public comment; and

9 (3) documentation provided by a central nonprofit
10 agency in support of a proposed management fee rate change.

11 (b) Before making a decision relating to the management fee
12 rate, the comptroller [~~council~~] shall consider:

13 (1) any public comment received;

14 (2) documentation provided by a central nonprofit
15 agency; and

16 (3) any documentation provided by a community
17 rehabilitation program or the public.

18 (c) The comptroller [~~council~~] shall adopt rules to
19 implement this section.

20 SECTION 26. The following provisions of the Human Resources
21 Code are repealed:

22 (1) Section 122.002(4);

23 (2) Section 122.003;

24 (3) Section 122.004;

25 (4) Section 122.005;

26 (5) Section 122.0055;

27 (6) Section 122.006;

- 1 (7) Section 122.007(b);
- 2 (8) Section 122.009(c);
- 3 (9) Section 122.013(b);
- 4 (10) Section 122.0206;
- 5 (11) Section 122.021;
- 6 (12) Section 122.025; and
- 7 (13) Section 122.027.

8 SECTION 27. (a) The Texas Council on Purchasing from People
9 with Disabilities is abolished.

10 (b) The validity of an action taken by or in connection with
11 the authority of the Texas Council on Purchasing from People with
12 Disabilities before it is abolished is not affected by the
13 abolition.

14 SECTION 28. (a) All powers and duties of the Texas Council
15 on Purchasing from People with Disabilities are transferred to the
16 comptroller of public accounts.

17 (b) A rule, form, policy, procedure, or decision of the
18 Texas Council on Purchasing from People with Disabilities continues
19 in effect as a rule, form, policy, procedure, or decision of the
20 comptroller of public accounts until superseded by an act of the
21 comptroller of public accounts or the comptroller of public
22 accounts' staff.

23 (c) A reference in law to the Texas Council on Purchasing
24 from People with Disabilities means the comptroller of public
25 accounts.

26 (d) Any action or proceeding before the Texas Council on
27 Purchasing from People with Disabilities is transferred without

1 change in status to the comptroller of public accounts, and the
2 comptroller of public accounts assumes, without a change in status,
3 the position of the Texas Council on Purchasing from People with
4 Disabilities in any action or proceeding to which the Texas Council
5 on Purchasing from People with Disabilities is a party.

6 (e) All money, contracts, leases, rights, bonds, and
7 obligations of the Texas Council on Purchasing from People with
8 Disabilities are transferred to the comptroller of public accounts.

9 (f) All personal property, including records, in the
10 custody of the Texas Council on Purchasing from People with
11 Disabilities becomes the property of the comptroller of public
12 accounts.

13 (g) All funds appropriated by the legislature to the Texas
14 Council on Purchasing from People with Disabilities are transferred
15 to the comptroller of public accounts.

16 SECTION 29. The terms of the current members of the advisory
17 committee amended by this Act expire on the effective date of this
18 Act. On that date or as soon as possible after that date, the
19 comptroller shall appoint new members to the advisory committee in
20 accordance with the requirements of Section [122.0057](#), Human
21 Resources Code, as amended by this Act. The comptroller shall
22 designate the four members of the committee whose terms expire on
23 February 1, 2017, and the five members of the committee whose terms
24 expire on February 1, 2019.

25 SECTION 30. This Act takes effect September 1, 2015.