

Chapter 672

S.B. No. 212

AN ACT

relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the Texas Workforce Commission.

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

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

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

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

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

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

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

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

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

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

3 SECTION 3. Section 122.0012, Human Resources Code, is
4 amended to read as follows:

5 Sec. 122.0012. SUNSET PROVISION. (a) The comptroller's
6 authority to perform any act under this chapter that relates to
7 state purchasing is subject to Chapter 325, Government Code (Texas
8 Sunset Act). Notwithstanding any other law, that authority expires
9 September 1, 2021, unless continued in existence as provided by
10 Chapter 325, Government Code.

11 (b) The Texas Workforce Commission's authority to
12 administer and oversee the program administered under this chapter
13 is subject to Chapter 325, Government Code (Texas Sunset Act).
14 Notwithstanding any other law, that authority expires September 1,
15 2021, unless continued in existence as provided by Chapter 325,
16 Government Code.

17 SECTION 4. Section 122.002, Human Resources Code, is
18 amended by adding Subdivision (6) to read as follows:

19 (6) "Workforce commission" means the Texas Workforce
20 Commission.

21 SECTION 5. Section 122.0057, Human Resources Code, as
22 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
23 2015, is amended to read as follows:

24 Sec. 122.0057. ADVISORY COMMITTEE. (a) The workforce
25 commission shall [~~council may~~] establish an advisory committee to
26 assist the workforce commission in establishing:

27 (1) performance goals for the program administered

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1 under this chapter; and

2 (2) criteria for certifying a community
3 rehabilitation program for participation in the program
4 administered under this chapter [~~if the council considers the~~
5 ~~committee necessary. The membership of the committee is determined~~
6 ~~by the council~~].

7 (b) The advisory committee consists of 13 members appointed
8 by the workforce commission as follows:

9 (1) four representatives from community
10 rehabilitation programs that participate in the program
11 administered under this chapter;

12 (2) four representatives from organizations that
13 advocate for persons with disabilities;

14 (3) the executive commissioner of the health and human
15 services commission or designee; and

16 (4) four persons with disabilities, of whom two are
17 employed by a community rehabilitation program that participates in
18 the program administered under this chapter [~~The council shall~~
19 ~~specify the purpose and duties of the advisory committee, which~~
20 ~~must include:~~

21 [~~(1) reviewing the effectiveness of the program~~
22 ~~administered under this chapter; and~~

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

25 (c) Members of the [~~an~~] advisory committee serve at the will
26 of the workforce commission [~~council. The council may dissolve an~~
27 ~~advisory committee when appropriate~~].

1 (d) The workforce commission shall appoint a presiding
2 officer from among the advisory committee members [~~The council~~
3 ~~shall make reasonable attempts to have balanced representation on~~
4 ~~all advisory committees, including attempting to seek~~
5 ~~representation from:~~

6 ~~[(1) the Lighthouse for the Blind and Visually~~
7 ~~Impaired community rehabilitation programs,~~

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

9 ~~[(3) other community rehabilitation programs,~~

10 ~~[(4) representatives from central nonprofit agencies,~~

11 ~~[(5) representatives of disability advocacy groups,~~

12 ~~[(6) government purchasing agents with knowledge of~~
13 ~~this chapter,~~

14 ~~[(7) private industry representatives with knowledge~~
15 ~~of this chapter, and~~

16 ~~[(8) private citizens with disabilities who have~~
17 ~~knowledge of the sale of products and services].~~

18 (e) The members of the advisory committee serve staggered
19 four-year terms, with the terms of either six or seven members
20 expiring February 1 of each odd-numbered year. A member may not
21 serve more than two terms.

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

24 (g) The advisory committee shall meet semiannually.

25 (h) The advisory committee shall:

26 (1) establish specific objectives for the program
27 administered under this chapter that are appropriate given the

1 program's status as one of several employment-related services this
2 state offers to persons with disabilities;

3 (2) develop performance measures that may be used by
4 the workforce commission to evaluate whether the program is meeting
5 the objectives established under Subdivision (1); and

6 (3) recommend criteria for certifying community
7 rehabilitation programs for participation in the program.

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

11 (1) the percentage of total sales revenue attributable
12 to the program:

13 (A) paid in wages to persons with disabilities;
14 and

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

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

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

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

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

25 (6) the percentage of persons with disabilities who
26 participate in the program and who are placed into competitive
27 positions, including competitive management or administrative

1 positions within community rehabilitation programs; and

2 (7) the percentage of work performed by persons with
3 disabilities who participate in the program that is purely
4 repackaging labor.

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

9 (k) The advisory committee shall provide input to the
10 workforce commission in adopting rules applicable to the program
11 administered under this chapter relating to the employment-first
12 policies described by Sections 531.02447 and 531.02448, Government
13 Code.

14 (l) The workforce commission shall provide administrative
15 support to the advisory committee.

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

18 SECTION 6. Chapter 122, Human Resources Code, is amended by
19 adding Section 122.0058 to read as follows:

20 Sec. 122.0058. APPLICATION OF OPEN MEETINGS LAW, OPEN
21 RECORDS LAW, AND ADMINISTRATIVE PROCEDURE LAW TO ADVISORY
22 COMMITTEE. The advisory committee established under Section
23 122.0057 is subject to the requirements of the open meetings law,
24 Chapter 551, Government Code, the open records law, Chapter 552,
25 Government Code, and Chapter 2001, Government Code.

26 SECTION 7. Sections 122.007(a) and (c), Human Resources
27 Code, and Section 122.007(d), Human Resources Code, as amended by

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1 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are
2 amended to read as follows:

3 (a) The workforce commission [~~council~~] shall determine the
4 fair market price of all products and services manufactured or
5 provided by persons with disabilities and offered for sale to the
6 various agencies and departments of the state and its political
7 subdivisions by a community rehabilitation program participating
8 in the program administered under this chapter. The workforce
9 commission [~~council~~] shall ensure that the products and services
10 offered for sale offer the best value for the state or a political
11 subdivision. The comptroller shall provide the workforce
12 commission with the information and resources necessary for the
13 workforce commission to comply with this subsection.

14 (c) The workforce commission [~~council~~] shall revise the
15 prices periodically to reflect changing market conditions.

16 (d) Before offering for sale products and services
17 manufactured or provided by persons with disabilities to state
18 agencies and political subdivisions, the workforce commission
19 [~~council~~] shall test the goods and services in accordance with
20 Section 2155.069, Government Code, to the extent necessary to
21 ensure quality. The workforce commission [~~council~~] may enter into
22 a contract with a private or public entity to assist with testing.
23 The comptroller shall make awards under this section based on
24 proposed goods and services meeting formal state specifications
25 developed by the comptroller or meeting commercial specifications
26 approved by the comptroller.

27 SECTION 8. Section 122.008, Human Resources Code, is

1 amended to read as follows:

2 Sec. 122.008. PROCUREMENT AT DETERMINED PRICE. A suitable
3 product or service that meets applicable specifications
4 established by the state or its political subdivisions and that is
5 available within the time specified must be procured from a
6 community rehabilitation program at the price determined by the
7 workforce commission [~~council~~] to be the fair market price under
8 Section 122.007.

9 SECTION 9. Section 122.009, Human Resources Code, as
10 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
11 2015, is amended to read as follows:

12 Sec. 122.009. RECORDS. [~~(a)~~] The records of the workforce
13 commission [~~council~~] and of a central nonprofit agency shall, to
14 the extent that the records pertain specifically to state purchases
15 of the products and services of persons with disabilities, be made
16 available upon request to the inspection of representatives of the
17 state auditor, the governor's budget office, or the Legislative
18 Budget Board. The inspection of the records shall be conducted with
19 due regard to the privacy rights of persons with disabilities. A
20 document that is available for inspection under this subsection is
21 an open record for purposes of Chapter 552, Government Code.

22 ~~[(b) The comptroller is the depository for all records~~
23 ~~concerning the council's operations.~~

24 ~~[(c) The council is subject to Chapter 552, Government~~
25 ~~Code.]~~

26 SECTION 10. Sections 122.0095(a) and (e), Human Resources
27 Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular

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1 Session, 2015, are amended to read as follows:

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

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

6 (2) report to the comptroller and the workforce
7 commission [~~council~~] the purchase of products or services available
8 from a central nonprofit agency or community rehabilitation program
9 under this chapter, but purchased from another business that is not
10 a central nonprofit agency or community rehabilitation program
11 under this chapter.

12 (e) The workforce commission [~~council~~] shall review and
13 analyze the information contained in the reports under this section
14 and Sections 122.012 and 122.016. The comptroller shall assist the
15 workforce commission [~~council~~] in reviewing and analyzing the
16 reports in order to improve state agency compliance with this
17 chapter.

18 SECTION 11. Section 122.010, Human Resources Code, is
19 amended to read as follows:

20 Sec. 122.010. COOPERATION WITH DEPARTMENT OF CRIMINAL
21 JUSTICE. The workforce commission [~~council~~] may cooperate with the
22 Texas Department of Criminal Justice to accomplish the purposes of
23 this chapter and to contribute to the economy of state government.
24 The workforce commission [~~council~~] and the department may enter
25 into contractual agreements, cooperative working relationships, or
26 other arrangements necessary for effective coordination and the
27 realization of the objectives of both entities.

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1 SECTION 12. Section 122.011, Human Resources Code, is
2 amended to read as follows:

3 Sec. 122.011. CORRELATION WITH RELATED FEDERAL PROGRAMS.
4 The workforce commission [~~council~~] may adopt procedures,
5 practices, and standards used for federal programs similar to the
6 state program established in this chapter.

7 SECTION 13. Sections 122.012(a), (b), and (e), Human
8 Resources Code, as amended by S.B. 219, Acts of the 84th
9 Legislature, Regular Session, 2015, are amended to read as follows:

10 (a) The comptroller shall cooperate with, and provide any
11 [~~legal and other~~] necessary support to, the workforce commission
12 [~~council~~] in accordance with legislative appropriation[~~. The~~
13 ~~comptroller shall assign an upper-level management employee to~~
14 ~~ensure that the comptroller meets the requirements of this~~
15 ~~chapter~~].

16 (b) State agencies responsible for the provision of
17 rehabilitation and related services to persons with disabilities
18 shall cooperate with the workforce commission [~~council~~] in the
19 operation of the program. The Department of Assistive and
20 Rehabilitative Services and other state human services agencies
21 responsible for assisting persons with disabilities may, through
22 written agreements or interagency contracts, provide space,
23 storage, logistical support, consultation, expert services,
24 communications services, or financial assistance with respect to
25 the program administered under this chapter [~~any function or~~
26 ~~responsibility of the council~~].

27 (e) After any audit or review the comptroller conducts with

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1 regard to state agency compliance with purchasing laws and
2 procedures, the comptroller shall report to the workforce
3 commission [~~council~~] a state agency that is not complying with this
4 chapter.

5 SECTION 14. Sections 122.013(a) and (c), Human Resources
6 Code, are amended to read as follows:

7 (a) The workforce commission [~~council~~] shall adopt rules
8 for the implementation, extension, administration, or improvement
9 of the program authorized by this chapter in accordance with
10 Chapter 2001, Government Code.

11 (c) The workforce commission [~~council~~] shall adopt rules
12 to:

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

15 (2) establish a process for the certification of
16 community rehabilitation programs;

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

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

23 SECTION 15. Section 122.015, Human Resources Code, is
24 amended by amending Subsection (a) and adding Subsection (d) to
25 read as follows:

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

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1 commission [~~subcommittee established under Section 122.007(b) and~~
2 ~~the 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 (d) The comptroller shall provide the workforce commission
25 with the information and resources necessary for the workforce
26 commission to comply with this section.

27 SECTION 16. Section 122.016(b), Human Resources Code, as

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1 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
2 2015, is amended to read as follows:

3 (b) Each month, the comptroller shall provide the workforce
4 commission [~~council~~] with a list of all items purchased under the
5 exception provided by Subsection (a). The workforce commission
6 [~~council~~] shall adopt the form in which the list is to be provided
7 and may require the list to include the date of requisition, the
8 type of product or service requested, the reason for purchase under
9 the exception, and any other information that the workforce
10 commission [~~council~~] considers relevant to a determination of why
11 the product or service was not purchased in accordance with Section
12 122.014.

13 SECTION 17. Section 122.019, Human Resources Code, as
14 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
15 2015, is amended to read as follows:

16 Sec. 122.019. CENTRAL NONPROFIT AGENCY. (a) The workforce
17 commission [~~council~~] may select and contract with one or more
18 central nonprofit agencies through a request for proposals for a
19 period not to exceed five years. Once the selection process is
20 completed, the workforce commission may [~~council shall~~] contract
21 with a central nonprofit agency to:

22 (1) recruit and assist community rehabilitation
23 programs in developing and submitting applications for the
24 selection of suitable products and services;

25 (2) facilitate the distribution of orders among
26 community rehabilitation programs;

27 (3) manage and coordinate the day-to-day operation of

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1 the program, including the general administration of contracts with
2 community rehabilitation programs;

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

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

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

11 (1) assistance to community rehabilitation programs
12 regarding solicitation and negotiation of contracts;

13 (2) direct marketing of products and services to
14 consumers;

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

16 (4) public relations activities to promote the
17 program;

18 (5) customer relations;

19 (6) education and training;

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

22 (8) other duties designated by the workforce
23 commission [~~council~~].

24 (c) Each year, the workforce commission [~~council~~] shall
25 review services provided by a central nonprofit agency and the
26 revenues required to accomplish the program to determine whether
27 each agency's performance complies with contractual

1 specifications. Not later than the 60th day before the review, the
2 workforce commission [~~council~~] shall publish in the Texas Register
3 a request for comment on the services of a central nonprofit agency
4 that participates in community rehabilitation programs.

5 (d) At least once during each five-year period, the
6 workforce commission [~~council~~] may review and renegotiate the
7 contract with a central nonprofit agency. Not later than the 60th
8 day before the date the workforce commission [~~council~~] adopts or
9 renews a contract, the workforce commission [~~council~~] shall publish
10 notice of the proposed contract in the Texas Register.

11 (e) The workforce commission shall determine the best
12 method to structure the maximum management fee rate charged by a
13 central nonprofit agency for its services [~~must be computed as a~~
14 ~~percentage of the selling price of the product or the contract price~~
15 ~~of a service, must be included in the selling price or contract~~
16 ~~price, and must be paid at the time of sale]. The management fee~~
17 rate must be [~~approved by the council and must be~~] reviewed on an
18 annual basis.

19 (f) A percentage of the management fee described by
20 Subsection (e) shall be paid to the workforce commission [~~council~~]
21 and is subject to Section 122.023. The percentage shall be set by
22 the workforce commission [~~council~~] in the amount necessary to
23 reimburse the general revenue fund for direct and reasonable costs
24 incurred by the comptroller and[~~7~~] the workforce commission
25 [~~council, and the council staff~~] in administering the comptroller's
26 and workforce commission's [~~council's~~] duties under this chapter,
27 including any costs associated with providing support to the

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1 advisory committee.

2 (g) The workforce commission [~~council~~] may terminate a
3 contract with a central nonprofit agency if:

4 (1) the workforce commission [~~council~~] finds
5 substantial evidence of the central nonprofit agency's
6 noncompliance with contractual obligations; and

7 (2) the workforce commission [~~council~~] has provided at
8 least 30 days' notice to the central nonprofit agency of the
9 termination of the contract.

10 (h) The workforce commission [~~council~~] may request an audit
11 by the state auditor of:

12 (1) the management fee set by a central nonprofit
13 agency; or

14 (2) the financial condition of a central nonprofit
15 agency.

16 (i) A person may not operate a community rehabilitation
17 program and at the same time contract with the workforce commission
18 [~~council~~] as a central nonprofit agency.

19 SECTION 18. Section 122.020, Human Resources Code, is
20 amended to read as follows:

21 Sec. 122.020. CONSUMER INFORMATION; COMPLAINTS. (a) The
22 workforce commission [~~council~~] shall prepare information of
23 consumer interest describing the activities of the workforce
24 commission under this chapter [~~council~~] and describing the
25 workforce commission's [~~council's~~] procedures by which consumer
26 complaints are filed with and resolved by the workforce commission
27 under this chapter [~~council~~]. The workforce commission [~~council~~]

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1 shall make the information available to the general public and
2 appropriate state agencies.

3 (b) The workforce commission [~~council~~] shall keep an
4 information file about each complaint filed with the workforce
5 commission [~~council~~]. The file must include:

- 6 (1) the name of the person who filed the complaint;
- 7 (2) the date the complaint is received by the
8 workforce commission [~~council~~];
- 9 (3) the subject matter of the complaint;
- 10 (4) the name of each person contacted in relation to
11 the complaint;
- 12 (5) a summary of the results of the review or
13 investigation of the complaint; and
- 14 (6) an explanation of the reason the file was closed,
15 if the workforce commission [~~council~~] closed the file without
16 taking action other than to investigate the complaint.

17 (c) If a written complaint is filed with the workforce
18 commission [~~council~~], the workforce commission [~~council~~], at least
19 as frequently as quarterly and until final disposition of the
20 complaint, shall notify the parties to the complaint of the status
21 of the complaint unless the notice would jeopardize an undercover
22 investigation.

23 (d) The workforce commission [~~council~~] shall provide to the
24 person filing the complaint and to each person who is a subject of
25 the complaint a copy of the workforce commission's [~~council's~~]
26 policies and procedures relating to complaint investigation and
27 resolution.

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1 SECTION 19. Sections 122.0205(a) and (c), Human Resources
2 Code, are amended to read as follows:

3 (a) A dispute between the workforce commission [~~council~~]
4 and a central nonprofit agency or a community rehabilitation
5 program shall first be submitted to alternative dispute resolution.

6 (c) This section does not limit the workforce commission's
7 [~~council's~~] ability to request opinions from the attorney general.

8 SECTION 20. Section 122.0215, Human Resources Code, is
9 amended to read as follows:

10 Sec. 122.0215. ACCESS TO INFORMATION AND RECORDS;
11 INSPECTION. (a) The workforce commission [~~council and the~~
12 ~~council's staff~~] may access financial or other information and
13 records from a central nonprofit agency or a community
14 rehabilitation program if the workforce commission [~~council~~]
15 determines the information and records are necessary for the
16 effective administration of this chapter and rules adopted under
17 this chapter.

18 (b) Information and records must be obtained under
19 Subsection (a) in recognition of the privacy interest of persons
20 employed by central nonprofit agencies or community rehabilitation
21 programs. The information and records may not be released or made
22 public on subpoena or otherwise, except that release may be made:

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

25 (2) with the consent of each person identified in the
26 information released; or

27 (3) regarding a compensation package of any central

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1 nonprofit agency employee or subcontractor if determined by the
2 workforce commission [~~council~~] to be relevant to the administration
3 of this chapter.

4 (c) The workforce commission [~~council~~] shall adopt rules
5 establishing procedures to ensure that the information and records
6 maintained by the workforce commission [~~council~~] under this chapter
7 are kept confidential and protected from release to unauthorized
8 persons.

9 (d) The workforce commission [~~council~~] or a central
10 nonprofit agency at the workforce commission's [~~council's~~]
11 direction may inspect a community rehabilitation program for
12 compliance with certification criteria established under Section
13 [~~Sections 122.003(j) and~~] 122.013(c). [~~The committee designated~~
14 ~~under Section 122.003(j) shall review the inspection results and~~
15 ~~recommend appropriate action to the council.~~]

16 SECTION 21. Section 122.022, Human Resources Code, as
17 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
18 2015, is amended to read as follows:

19 Sec. 122.022. REPORTS. (a) On or before November 1 of each
20 year, the workforce commission [~~council~~] shall prepare an annual
21 financial report in the form prescribed by Section 2101.011,
22 Government Code, relating to the workforce commission's activities
23 under this chapter and file the report with the governor and the
24 presiding officer of each house of the legislature [~~a copy of the~~
25 ~~annual financial report prepared by the council under Section~~
26 ~~2101.011, Government Code~~].

27 (b) As part of the report filed under Subsection (a), the

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1 workforce commission [~~council~~] shall provide:

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

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

10 (3) a summary of the sale of products offered by a
11 community rehabilitation program;

12 (4) a list of products and services offered by a
13 community rehabilitation program;

14 (5) the geographic distribution of the community
15 rehabilitation programs;

16 (6) the number of workers without disabilities who are
17 employed in community rehabilitation programs under this chapter;
18 and

19 (7) the average and range of weekly earnings for
20 workers with disabilities and workers without disabilities who are
21 employed in community rehabilitation programs under this chapter.

22 SECTION 22. Section 122.023, Human Resources Code, is
23 amended to read as follows:

24 Sec. 122.023. [~~COUNCIL~~] FUNDS. All money paid to the
25 workforce commission [~~council~~] under this chapter is subject to
26 Subchapter F, Chapter 404, Government Code.

27 SECTION 23. Section 122.024, Human Resources Code, is

1 amended to read as follows:

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

7 SECTION 24. Section 122.028, Human Resources Code, is
8 amended to read as follows:

9 Sec. 122.028. PROGRAM PROMOTION. The workforce commission
10 [~~council~~] shall establish procedures for the promotion of the
11 program administered under this chapter.

12 SECTION 25. Section 122.029, Human Resources Code, is
13 amended to read as follows:

14 Sec. 122.029. DUTIES OF STATE AUDITOR. (a) As part of an
15 audit of a state agency authorized under Section 2161.123,
16 Government Code, the state auditor shall:

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

19 (2) report to the workforce commission [~~council~~] a
20 state agency that is not complying with this chapter.

21 (b) If the state auditor reports to the workforce commission
22 [~~council~~] that a state agency is not complying with this chapter,
23 the workforce commission [~~council~~] shall assist the agency in
24 complying.

25 SECTION 26. Section 122.030, Human Resources Code, is
26 amended to read as follows:

27 Sec. 122.030. MANAGEMENT FEE RATE; REVIEW PROCESS.

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1 (a) The workforce commission [~~council~~] shall develop a formal
2 review process for the annual review conducted under Section
3 122.019(e). The review process must include:

- 4 (1) notice to affected parties, including community
5 rehabilitation programs;
- 6 (2) solicitation of public comment; and
- 7 (3) documentation provided by a central nonprofit
8 agency in support of a proposed management fee rate change.

9 (b) Before making a decision relating to the management fee
10 rate, the workforce commission [~~council~~] shall consider:

- 11 (1) any public comment received;
- 12 (2) documentation provided by a central nonprofit
13 agency; and
- 14 (3) any documentation provided by a community
15 rehabilitation program or the public.

16 (c) The workforce commission [~~council~~] shall adopt rules to
17 implement this section.

18 SECTION 27. The following provisions of the Human Resources
19 Code, including provisions amended by S.B. 219, Acts of the 84th
20 Legislature, Regular Session, 2015, are repealed:

- 21 (1) Section 122.002(4);
- 22 (2) Section 122.003;
- 23 (3) Section 122.004;
- 24 (4) Section 122.005;
- 25 (5) Section 122.0055;
- 26 (6) Section 122.006;
- 27 (7) Section 122.007(b);

S.B. No. 212

- 1 (8) Section 122.013(b);
- 2 (9) Section 122.0206;
- 3 (10) Section 122.021;
- 4 (11) Section 122.025; and
- 5 (12) Section 122.027.

6 SECTION 28. (a) The Texas Council on Purchasing from
7 People with Disabilities is abolished.

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

12 SECTION 29. (a) All powers and duties of the Texas Council
13 on Purchasing from People with Disabilities are transferred to the
14 Texas Workforce Commission.

15 (b) A rule, form, policy, procedure, or decision of the
16 Texas Council on Purchasing from People with Disabilities continues
17 in effect as a rule, form, policy, procedure, or decision of the
18 Texas Workforce Commission until superseded by an act of the Texas
19 Workforce Commission.

20 (c) A reference in law to the Texas Council on Purchasing
21 from People with Disabilities means the Texas Workforce Commission.

22 (d) Any action or proceeding before the Texas Council on
23 Purchasing from People with Disabilities is transferred without
24 change in status to the Texas Workforce Commission and the Texas
25 Workforce Commission assumes, without a change in status, the
26 position of the Texas Council on Purchasing from People with
27 Disabilities in any action or proceeding to which the Texas Council

S.B. No. 212

1 on Purchasing from People with Disabilities is a party.

2 (e) All money, contracts, leases, rights, bonds, and
3 obligations of the Texas Council on Purchasing from People with
4 Disabilities are transferred to the Texas Workforce Commission.

5 (f) All personal property, including records, in the
6 custody of the Texas Council on Purchasing from People with
7 Disabilities becomes the property of the Texas Workforce
8 Commission.

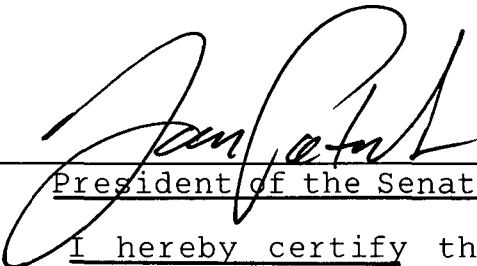
9 (g) All funds appropriated by the legislature to the Texas
10 Council on Purchasing from People with Disabilities are transferred
11 to the Texas Workforce Commission.

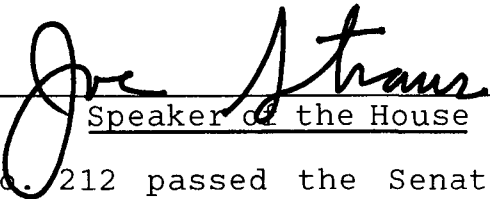
12 SECTION 30. The terms of the current members of the advisory
13 committee amended by this Act expire on the effective date of this
14 Act. On that date or as soon as possible after that date, the Texas
15 Workforce Commission shall appoint new members to the advisory
16 committee in accordance with the requirements of Section 122.0057,
17 Human Resources Code, as amended by this Act. The Texas Workforce
18 Commission shall designate the six members of the committee whose
19 terms expire on February 1, 2017, and the seven members of the
20 committee whose terms expire on February 1, 2019.

21 SECTION 31. This Act takes effect September 1, 2015.

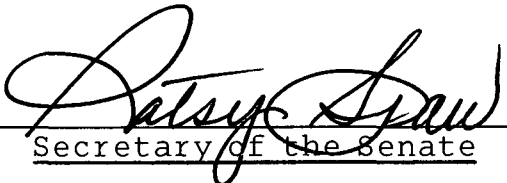
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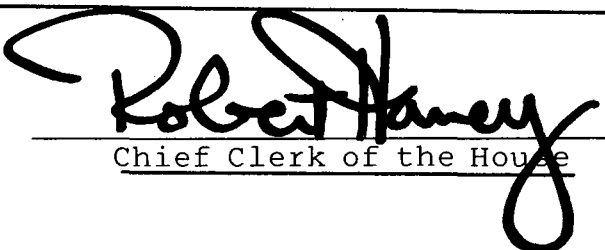

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 212 passed the Senate on April 15, 2015, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 26, 2015, by the following vote: Yeas 31, Nays 0.


Secretary of the Senate

I hereby certify that S.B. No. 212 passed the House, with amendments, on May 20, 2015, by the following vote: Yeas 142, Nays 0, one present not voting.

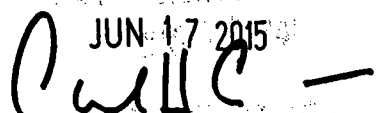

Chief Clerk of the House

Approved:

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:09 pm O'CLOCK

JUN 17 2015

Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB212 by Birdwell (Relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the Texas Workforce Commission.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for SB212, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Appropriated Receipts</i> 666	Probable (Cost) from <i>Appropriated Receipts</i> 666	Change in Number of State Employees from FY 2015
2016	\$132,345	(\$132,345)	2.0
2017	\$132,345	(\$132,345)	2.0
2018	\$132,345	(\$132,345)	2.0
2019	\$132,345	(\$132,345)	2.0
2020	\$132,345	(\$132,345)	2.0

Fiscal Analysis

The bill would abolish the Council on Purchasing from People with Disabilities (Council) and transfer responsibility for the administration and oversight of the State Use Program from the

Council to the Texas Workforce Commission (TWC). The bill would require TWC to establish a thirteen-member advisory committee to assist in establishing performance goals for the State Use Program and in setting criteria for certifying a community rehabilitation program for participation in the State Use Program. The bill would require TWC to provide administrative support for the advisory committee upon request; the committee would meet semi-annually.

The bill would require the Comptroller of Public Accounts (Comptroller) to assist TWC in determining fair market values, ensuring best rates, testing goods and services, and any other support necessary to implement the provisions of the bill.

Currently, statute requires the Council be reimbursed from the central nonprofit agency contracted by the Council to manage the day-to-day operations of the State Use Program. The bill would transfer the reimbursement to TWC and the Comptroller and would require that the reimbursements also cover the costs associated with providing support to the advisory committee.

Methodology

Currently, the Council collects approximately \$100,000 in each fiscal year from a portion of the management fee collected on the sale of goods and services through the State Use Program from the central nonprofit agency. In addition, the Comptroller currently provides administrative and legal support services to the Council with one full-time equivalent (FTE) staff and is reimbursed through these fee revenues. These funds are deposited to General Revenue and appropriated to the Comptroller as appropriated receipts.

It is assumed that an additional 2.0 FTEs would be needed at TWC to hire two contract specialists IV to review and manage contracts and assist in price setting, product testing, compliance and other functions transferred from the Council at a cost of \$132,345 in each fiscal year. This analysis also assumes the current 1.0 FTE staff at the Comptroller would remain to support TWC's work with the advisory committee.

This analysis assumes that the fee revenue collected from the central nonprofit agency would reimburse TWC and the Comptroller for administration of the State Use Program, including any costs associated with providing administrative support to the advisory committee.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 320 Texas Workforce Commission
LBB Staff: UP, NB, NV, JLi, LCO, EP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 4, 2015

TO: Honorable Richard Peña Raymond, Chair, House Committee on Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB212 by Birdwell (Relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the comptroller of public accounts.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB212, As Engrossed: an impact of \$0 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Appropriated Receipts</i> 666	Probable (Cost) from <i>Appropriated Receipts</i> 666	Change in Number of State Employees from FY 2015
2016	\$132,345	(\$132,345)	2.0
2017	\$132,345	(\$132,345)	2.0
2018	\$132,345	(\$132,345)	2.0
2019	\$132,345	(\$132,345)	2.0
2020	\$132,345	(\$132,345)	2.0

Fiscal Analysis

The bill would abolish the Council on Purchasing from People with Disabilities (Council) and transfer responsibility for the administration and oversight of the State Use Program from the

Council to the Comptroller of Public Accounts (Comptroller). The bill would require the Comptroller to establish a thirteen-member advisory committee to assist in establishing performance goals for the State Use Program and in setting criteria for certifying a community rehabilitation program for participation in the State Use Program. The bill would require the Comptroller to provide administrative support for the advisory committee upon request; the committee would meet semi-annually.

Currently, statute requires the Council be reimbursed from the central nonprofit agency contracted by the Council to manage the day-to-day operations of the State Use Program. The bill would transfer the reimbursement to the Comptroller and would require that the reimbursements cover the costs associated with providing support to the advisory committee.

Methodology

Currently, the Council collects approximately \$100,000 in each fiscal year from a portion of the management fee collected on the sale of goods and services through the State Use Program from the central nonprofit agency. In addition, the Comptroller currently provides administrative and legal support services to the Council with one full-time equivalent (FTE) staff and is reimbursed through these fee revenues. These funds are deposited to General Revenue and appropriated to the Comptroller as appropriated receipts.

The Comptroller has indicated an additional 2.0 FTEs would be needed to hire two contract specialists IV to review and manage contracts and assist in price setting, product testing, compliance and other functions transferred from the Council at a cost of \$132,345 in each fiscal year. The current 1.0 FTE staff would remain with the Comptroller and support the advisory committee.

This analysis assumes that the fee revenue collected from the central nonprofit agency would reimburse the Comptroller for administration of the State Use Program, including any costs associated with providing administrative support to the advisory committee.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts
LBB Staff: UP, LCO, NB, EP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 7, 2015

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB212 by Birdwell (relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the comptroller of public accounts.
) , **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB212, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Appropriated Receipts</i> 666	Probable (Cost) from <i>Appropriated Receipts</i> 666	Change in Number of State Employees from FY 2015
2016	\$132,345	(\$132,345)	2.0
2017	\$132,345	(\$132,345)	2.0
2018	\$132,345	(\$132,345)	2.0
2019	\$132,345	(\$132,345)	2.0
2020	\$132,345	(\$132,345)	2.0

Fiscal Analysis

The bill would abolish the Council on Purchasing from People with Disabilities (Council) and

transfer responsibility for the administration and oversight of the State Use Program from the Council to the Comptroller of Public Accounts (Comptroller). The bill would require the Comptroller to establish a nine-member advisory committee to assist in establishing performance goals for the State Use Program and in setting criteria for certifying a community rehabilitation program for participation in the State Use Program. The bill would require the Comptroller to provide administrative support for the advisory committee upon request; the committee would meet at least once each fiscal year.

Currently, statute requires the Council be reimbursed from the central nonprofit agency contracted by the Council to manage the day-to-day operations of the State Use Program. The bill would transfer the reimbursement to the Comptroller and would require that the reimbursements cover the costs associated with providing support to the advisory committee.

Methodology

Currently, the Council collects approximately \$100,000 in each fiscal year from a portion of the management fee collected on the sale of goods and services through the State Use Program from the central nonprofit agency. In addition, the Comptroller currently provides administrative and legal support services to the Council with one full-time equivalent (FTE) staff and is reimbursed through these fee revenues. These funds are deposited to General Revenue and appropriated to the Comptroller as appropriated receipts.

The Comptroller has indicated an additional 2.0 FTEs would be needed to hire two contract specialists IV to review and manage contracts and assist in price setting, product testing, compliance and other functions transferred from the Council at a cost of \$132,345 in each fiscal year. The current 1.0 FTE staff would remain with the Comptroller and support the advisory committee.

This analysis assumes that the fee revenue collected from the central nonprofit agency would reimburse the Comptroller for administration of the State Use Program, including any costs associated with providing administrative support to the advisory committee.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts

LBB Staff: UP, LCO, NB, EP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 22, 2015

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB212 by Birdwell (Relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the comptroller of public accounts.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB212, As Introduced: an impact of \$0 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Appropriated Receipts</i> 666	Probable (Cost) from <i>Appropriated Receipts</i> 666	Change in Number of State Employees from FY 2015
2016	\$132,345	(\$132,345)	2.0
2017	\$132,345	(\$132,345)	2.0
2018	\$132,345	(\$132,345)	2.0
2019	\$132,345	(\$132,345)	2.0
2020	\$132,345	(\$132,345)	2.0

Fiscal Analysis

The bill would abolish the Council on Purchasing from People with Disabilities (Council) and transfer responsibility for the administration and oversight of the State Use Program from the

Council to the Comptroller of Public Accounts (Comptroller). The bill would require the Comptroller to establish a nine-member advisory committee to assist in establishing performance goals for the State Use Program and in setting criteria for certifying a community rehabilitation program for participation in the State Use Program. The bill would require the Comptroller to provide administrative support for the advisory committee upon request; the committee would meet at least once each fiscal year.

Currently, statute requires the Council be reimbursed from the central nonprofit agency contracted by the Council to manage the day-to-day operations of the State Use Program. The bill would transfer the reimbursement to the Comptroller and would require that the reimbursements cover the costs associated with providing support to the advisory committee.

Methodology

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The Comptroller has indicated an additional 2.0 FTEs would be needed to hire two contract specialists IV to review and manage contracts and assist in price setting, product testing, compliance and other functions transferred from the Council at a cost of \$132,345 in each fiscal year. The current 1.0 FTE staff would remain with the Comptroller and support the advisory committee.

This analysis assumes that the fee revenue collected from the central nonprofit agency would reimburse the Comptroller for administration of the State Use Program, including any costs associated with providing administrative support to the advisory committee.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts
LBB Staff: UP, NB, EP, LCO