

## **BILL ANALYSIS**

H.B. 677  
By: Dunnam  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Council on Purchasing from People with Disabilities (Council) oversees the State Use Program, which provides for the employment of persons with disabilities in the production of products and services set aside for state procurement. More than 7,000 Texans with disabilities are employed through the State Use Program at 150 community rehabilitation programs across the state. In 2002, these individuals earned almost \$24 million in wages. These earnings may enable individuals to be more independent and less reliant on government funded assistance.

Recognizing the benefits of the State Use Program for both the individuals employed and the state as a whole, the 77th Legislature made several substantive changes to strengthen the Council's oversight of the State Use Program and encourage agency compliance with program requirements. Despite these efforts, the Sunset Commission found that the Council had not fully implemented its oversight authority and was not using procurement information to maximize agency participation in the program. House Bill 677 would continue the Council and contains several provisions to clarify the Council's authority in overseeing and promoting the State Use Program.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly delegated to the Texas Council on Purchasing from People with Disabilities in SECTION 2 (Section 122.003, Human Resources Code), SECTION 16 (122.030, Human Resources Code) and SECTION 17 of this bill.

### **ANALYSIS**

HB 677 changes the "Commission" from the General Services Commission to the Texas Building and Procurement Commission. Requires the Commission to report to the Council any state agency that does not comply with purchasing guidelines as identified through Commission audits or reviews and to assist the Council in improving its compliance with reports prepared by the Sunset Commission.

The bill provides requirements for the composition of the Council, member training, and member reimbursement. HB 677 also provides the responsibilities of the Council, including:

- adoption of rules establishing a formal certification procedure;
- dissemination of standards of conduct to Council officers and employees;
- development and implementation of policymaking and management roles;
- adoption of a complaint formal procedure in addition to negotiated rulemaking and alternative dispute resolution procedures;
- establishment of inspection procedures for compliance with certification criteria;
- adoption of procedures for review of inspection results and recommendations for action;

- adoption of a technology policy; and
- adoption of program promotion procedures, a formal review process and associated management fee rate.

The bill authorizes the Council to delegate the administration of the certification procedure to a central nonprofit agency.

HB 677 requires the State Auditor to conduct audits of state agencies for compliance with the State Use Program, to report to the Council any state agency that is not in compliance, and to assist any agency with compliance.

HB 677 provides that unless the Council is continued in existence, it is abolished after September 1, 2015.

**EFFECTIVE DATE**

September 1, 2003