

BILL ANALYSIS

S.B. 261
By: Shapleigh
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. Recognizing the benefits of the State Use Program, 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. As proposed, Senate Bill 261 would continue the council, require the council and the Texas Building and Procurement Commission to promote the State Use Program and agency compliance with program requirements, and enhance State Use Program accountability through increased oversight of the central nonprofit agency and community rehabilitation programs.

RULEMAKING AUTHORITY

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

ANALYSIS

Senate Bill 261 amends the Human Resources Code to redefine "commission." The bill requires the governor to select three members from the category prescribed and at least one member from the other three categories prescribed rather than at least one member from each category. The bill requires the governor, to the extent possible, to attempt to ensure that the categories prescribed are equally represented on the Texas Council on Purchasing from People with Disabilities (council). The bill requires the council to adopt rules establishing a formal certification procedure for recognition and approval of community rehabilitation programs, requiring the procedure to include a committee composed of three council members appointed by the presiding officer to review certification applications of community rehabilitation programs and issue recommendations to the council. The bill authorizes the council to delegate the administration of the procedure established to a central nonprofit agency but prohibits the council from delegating the authority to certify a community rehabilitation program under this section. The bill requires the presiding officer of the council or the presiding officer's designee to provide information to council employees information relating to standards of conduct.

SB 261 provides that a person who is appointed to and qualifies for office as a member of the council may not vote, deliberate, or be counted as a member in attendance at a meeting of the council until the person completes a training program that complies with this section, deleting text regarding the completion of a course. The bill requires the training program to provide the person with certain information, and provides that a person appointed to the council is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office. The bill requires the council to develop and implement policies that clearly separate the policymaking responsibilities of the council and the management responsibilities of the staff of the council. The bill requires the continuation of

the council for a 12-year period until September 1, 2015. SB 261 requires the council to review the information contained in the reports under this section and Sections 122.012 and 122.016.

SB 261 requires the Texas Building and Procurement Commission (TBPC) to assist the council in reviewing and analyzing the reports in order to improve state agency compliance with this chapter. The bill requires TBPC, after any audit or review TBPC conducts with regard to state agency compliance with purchasing laws and procedures, to report to the council a state agency that is not complying with this chapter. The bill requires the complaint information file kept by the council to include certain information and deletes current language in existing text related the information file containing complaints regarding a product or service offered by a community rehabilitation program.

SB 261 requires the council to provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the council's policies and procedures relating to complaint investigation and resolution. The bill requires the council to develop and implement a policy to encourage the use of certain procedures and requires the council's procedures relating to alternative dispute resolution to conform to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

SB 261 authorizes the council or a central nonprofit agency at the council's direction to inspect a community rehabilitation program for compliance with certification criteria established, requiring the committee to review the inspection results and recommend appropriate action to the council. The bill requires the council to develop and implement a policy requiring the staff of the council or a central nonprofit agency to research and propose appropriate technological solutions to improve the council's ability to perform its functions and to ensure that certain criteria are met. The bill requires the council to establish procedures for the promotion of the program.

SB 261 requires the state auditor, as part of an audit of a state agency to perform certain duties. The bill requires the council, if the state auditor reports to the council that a state agency is not complying with this chapter, to assist the agency in complying. The bill requires the council to develop a formal review process for the annual review conducted, and for the review process to include certain information. The bill requires the council, before making a decision relating to the management fee rate, to consider certain information.

SB 261 requires the council to adopt rules to implement this section by January 1, 2004, making application of the changes in law made by this Act in the prohibitions or qualifications applying to members of the council prospective. The bill requires the governor, as the terms of members of the Texas Council on Purchasing from People with Disabilities expire or as vacancies on the council occur, to make appointments to the council to achieve as soon as possible the membership plan prescribed for the council.

EFFECTIVE DATE

September 1, 2003.