

By: White

H.B. No. 2847

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the Texas Council on Purchasing from People with Disabilities and certain contract requirements for political subdivisions of this state.

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

SECTION 1. Sections 122.003(a) and (b), Human Resources Code, are amended to read as follows:

(a) The Texas Council on Purchasing from People with Disabilities is composed of nine members selected from the following categories who are appointed by the governor with the advice and consent of the senate:

(1) private citizens conversant with the employment needs of persons with disabilities, including blindness, and with current experience in the pricing and marketing of goods and services;

(2) representatives of community rehabilitation programs that represent different disability groups, including persons with blindness, and that provide or seek to provide products produced or services performed by persons with disabilities;

(3) representatives of state agencies or political subdivisions that purchase a significant amount of products produced or services performed by persons with disabilities; ~~and~~

(4) persons with disabilities; and

1 (5) private industry representatives who have
2 knowledge of:

3 (A) this chapter; and

4 (B) the sale of products and services to state
5 agencies, including the Texas Department of Criminal Justice.

6 (b) The governor shall select two [~~three~~] members from the
7 category prescribed by Subsection (a)(1) and at least one member
8 from the other four [~~three~~] categories prescribed by Subsection
9 (a). To the extent possible, the governor shall attempt to ensure
10 that the categories prescribed by Subsections (a)(2)-(5)
11 [~~(a)(2)-(4)~~] are equally represented on the council. Members of
12 the council serve staggered terms of six years with the terms of
13 three members expiring on January 31 of each odd-numbered year.
14 Members may not receive compensation for their service on the
15 council, but they are entitled to reimbursement for actual and
16 necessary expenses incurred in performing their duties as members.

17 SECTION 2. Section 122.017, Human Resources Code, is
18 amended to read as follows:

19 Sec. 122.017. PROCUREMENT FOR POLITICAL SUBDIVISIONS. (a) A
20 product manufactured for sale to a political subdivision of this
21 state or an office or department of the political subdivision must
22 [~~thereof shall~~] be manufactured or produced according to
23 specifications developed by the purchaser. A political subdivision
24 of this state may purchase products or services for its use from
25 private businesses through its authorized purchasing procedures,
26 but may substitute equivalent products or services produced by
27 persons with disabilities under the provisions of this chapter.

1 Nothing in this chapter shall be construed to require a nonprofit
2 agency for persons with disabilities to engage in competitive
3 bidding.

4 (b) An open and binding contract between a political
5 subdivision of this state, or an office or department of the
6 political subdivision, and a private business may not be superseded
7 or canceled in favor of a nonprofit organization.

8 SECTION 3. A person who is serving as a member of the Texas
9 Council on Purchasing from People with Disabilities on the
10 effective date of this Act continues to serve until the person's
11 term expires. When a term expires or a vacancy on the council
12 occurs, the governor shall make appointments in accordance with
13 Section 122.003, Human Resources Code, as amended by this Act.

14 SECTION 4. Section 122.017(b), Human Resources Code, as
15 added by this Act, applies only to a contract entered into or
16 renewed on or after the effective date of this Act. A contract
17 entered into or renewed before the effective date of this Act is
18 governed by the law in effect on the date the contract was entered
19 into or renewed, and the former law is continued in effect for that
20 purpose.

21 SECTION 5. This Act takes effect September 1, 2013.