

By: Birdwell, et al.

S.B. No. 212

A BILL TO BE ENTITLED

AN ACT

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.

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 comptroller [~~council~~] shall test the goods and services to the extent necessary to ensure quality. The comptroller [~~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 122.0057, 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 13 members appointed
16 by the comptroller as follows:

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

20 (2) four 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) four persons with disabilities, two 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 and Visually~~
15 ~~Impaired community rehabilitation programs,~~

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

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

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

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

20 ~~[(6) government purchasing agents with knowledge of~~
21 ~~this chapter,~~

22 ~~[(7) private industry representatives with knowledge~~
23 ~~of this chapter, and~~

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

26 (e) The members of the advisory committee serve staggered
27 four-year terms, with the terms of either four or five members

1 expiring February 1 of each odd-numbered year. A member may not
2 serve more than two terms.

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

5 (g) The advisory committee shall meet semi-annually.

6 (h) The advisory committee shall:

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

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

14 (3) recommend criteria for certifying community
15 rehabilitation programs for participation in the program.

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

19 (1) the percentage of total sales revenue attributable
20 to the program:

21 (A) paid in wages to persons with disabilities;

22 and

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

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

27 (3) the average annual salary earned by a person

1 participating in the program;

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

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

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

10 (7) the percentage of work performed by persons with
11 disabilities who participate in the program that is purely
12 repackaging labor.

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

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

22 (l) The advisory committee may request administrative
23 support from the comptroller. The comptroller shall provide the
24 requested assistance.

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

27 SECTION 4. Chapter 122, Human Resources Code, is amended by

1 adding Section 122.0058 to read as follows:

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

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

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

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

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

1 services meeting formal state specifications developed by the
2 comptroller or meeting commercial specifications approved by the
3 comptroller.

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

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

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

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

25 (b) The comptroller shall maintain [~~is the depository for~~]
26 all records concerning the comptroller's [~~council's~~] operations
27 under this chapter.

1 SECTION 8. Sections 122.0095(a) and (e), Human Resources
2 Code, are amended to read as follows:

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

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

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

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

17 SECTION 9. Section 122.010, Human Resources Code, is
18 amended to read as follows:

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

27 SECTION 10. Section 122.011, Human Resources Code, is

1 amended to read as follows:

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

6 SECTION 11. Sections [122.012](#)(a), (b), and (e), Human
7 Resources Code, are amended to read as follows:

8 (a) The comptroller shall perform the comptroller's duties
9 under this chapter with assistance from the advisory committee
10 established under Section [122.0057](#) [~~provide legal and other~~
11 ~~necessary support to the council~~] in accordance with legislative
12 appropriation[~~. The comptroller shall assign an upper-level~~
13 ~~management employee to ensure that the comptroller meets the~~
14 ~~requirements of this chapter~~].

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

25 (e) After any audit or review the comptroller conducts with
26 regard to state agency compliance with purchasing laws and
27 procedures, the comptroller shall assist [~~report to the council~~] a

1 state agency that is not complying with this chapter to comply with
2 this chapter.

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

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

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

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

12 (2) establish a process for the certification of
13 community rehabilitation programs;

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

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

20 SECTION 13. Section 122.015(a), Human Resources Code, is
21 amended to read as follows:

22 (a) In determining the fair market value of products or
23 services offered for sale under this chapter, the comptroller
24 [~~subcommittee established under Section 122.007(b) and the~~
25 ~~council~~] shall give due consideration to the following type of
26 factors:

27 (1) to the extent applicable, the amounts being paid

1 for similar articles in similar quantities by federal agencies
2 purchasing the products or services under the authorized federal
3 program of like effect to the state program authorized by this
4 chapter;

5 (2) the amounts which private business would pay for
6 similar products or services in similar quantities if purchasing
7 from a reputable corporation engaged in the business of selling
8 similar products or services;

9 (3) to the extent applicable, the amount paid by the
10 state in any recent purchases of similar products or services in
11 similar quantities, making due allowance for general inflationary
12 or deflationary trends;

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

18 (5) the usual, customary, and reasonable costs of
19 manufacturing, marketing, and distribution.

20 SECTION 14. Section [122.016\(b\)](#), Human Resources Code, is
21 amended to read as follows:

22 (b) Each month, the comptroller shall prepare [~~provide the~~
23 ~~council with~~] a list of all items purchased under the exception
24 provided by Subsection (a). The comptroller [~~council~~] shall adopt
25 the form in which the list is to be provided and may include in
26 [~~require~~] the list [~~to include~~] the date of requisition, the type of
27 product or service requested, the reason for purchase under the

1 exception, and any other information that the comptroller [~~council~~]
2 considers relevant to a determination of why the product or service
3 was not purchased in accordance with Section 122.014.

4 SECTION 15. Section 122.019, Human Resources Code, is
5 amended to read as follows:

6 Sec. 122.019. CENTRAL NONPROFIT AGENCY. (a) The
7 comptroller [~~council~~] may select and contract with one or more
8 central nonprofit agencies through a request for proposals for a
9 period not to exceed five years. Once the selection process is
10 completed, the comptroller [~~council~~] shall contract with a central
11 nonprofit agency to:

12 (1) recruit and assist community rehabilitation
13 programs in developing and submitting applications for the
14 selection of suitable products and services;

15 (2) facilitate the distribution of orders among
16 community rehabilitation programs;

17 (3) manage and coordinate the day-to-day operation of
18 the program, including the general administration of contracts with
19 community rehabilitation programs;

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

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

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

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

3 (2) direct marketing of products and services to
4 consumers;

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

6 (4) public relations activities to promote the
7 program;

8 (5) customer relations;

9 (6) education and training;

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

12 (8) other duties designated by the comptroller
13 [~~council~~].

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

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

1 (e) The comptroller shall determine the best method to
2 structure the maximum management fee rate charged by a central
3 nonprofit agency for its services [~~must be computed as a percentage~~
4 ~~of the selling price of the product or the contract price of a~~
5 ~~service, must be included in the selling price or contract price,~~
6 ~~and must be paid at the time of sale~~]. The management fee rate must
7 be [~~approved by the council and must be~~] reviewed on an annual
8 basis.

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

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

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

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

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

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

3 (2) the financial condition of a central nonprofit
4 agency.

5 (i) A person may not operate a community rehabilitation
6 program and at the same time contract with the comptroller
7 [~~council~~] as a central nonprofit agency.

8 SECTION 16. Section 122.020, Human Resources Code, is
9 amended to read as follows:

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

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

21 (1) the name of the person who filed the complaint;

22 (2) the date the complaint is received by the
23 comptroller [~~council~~];

24 (3) the subject matter of the complaint;

25 (4) the name of each person contacted in relation to
26 the complaint;

27 (5) a summary of the results of the review or

1 investigation of the complaint; and

2 (6) an explanation of the reason the file was closed,
3 if the comptroller [~~council~~] closed the file without taking action
4 other than to investigate the complaint.

5 (c) If a written complaint is filed with the comptroller
6 [~~council~~], the comptroller [~~council~~], at least as frequently as
7 quarterly and until final disposition of the complaint, shall
8 notify the parties to the complaint of the status of the complaint
9 unless the notice would jeopardize an undercover investigation.

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

14 SECTION 17. Sections [122.0205](#)(a) and (c), Human Resources
15 Code, are amended to read as follows:

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

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

21 SECTION 18. Section [122.0215](#), Human Resources Code, is
22 amended to read as follows:

23 Sec. 122.0215. ACCESS TO INFORMATION AND RECORDS;
24 INSPECTION. (a) The comptroller [~~council~~] and the comptroller's
25 [~~council's~~] staff may access financial or other information and
26 records from a central nonprofit agency or a community
27 rehabilitation program if the comptroller [~~council~~] determines the

1 information and records are necessary for the effective
2 administration of this chapter and rules adopted under this
3 chapter.

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

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

11 (2) with the consent of each person identified in the
12 information released; or

13 (3) regarding a compensation package of any central
14 nonprofit agency employee or subcontractor if determined by the
15 comptroller [~~council~~] to be relevant to the administration of this
16 chapter.

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

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

1 SECTION 19. Section [122.022](#), Human Resources Code, is
2 amended to read as follows:

3 Sec. 122.022. REPORTS. (a) On or before November 1 of each
4 year, the comptroller [~~council~~] shall prepare an annual financial
5 report in the form prescribed by Section [2101.011](#), Government Code,
6 relating to the comptroller's activities under this chapter and
7 file the report with the governor and the presiding officer of each
8 house of the legislature [~~a copy of the annual financial report~~
9 ~~prepared by the council under Section [2101.011](#), Government Code~~].

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

12 (1) the number of persons with disabilities, according
13 to their type of disability, who are employed in community
14 rehabilitation programs participating in the programs established
15 by this chapter or who are employed by businesses or workshops that
16 receive supportive employment from community rehabilitation
17 programs;

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

20 (3) a summary of the sale of products offered by a
21 community rehabilitation program;

22 (4) a list of products and services offered by a
23 community rehabilitation program;

24 (5) the geographic distribution of the community
25 rehabilitation programs;

26 (6) the number of workers without disabilities who are
27 employed in community rehabilitation programs under this chapter;

1 and

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

5 SECTION 20. Section [122.023](#), Human Resources Code, is
6 amended to read as follows:

7 Sec. 122.023. COMPTROLLER [~~COUNCIL~~] FUNDS. All money paid
8 to the comptroller [~~council~~] under this chapter is subject to
9 Subchapter F, Chapter 404, Government Code.

10 SECTION 21. Section [122.024](#), Human Resources Code, is
11 amended to read as follows:

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

17 SECTION 22. Section [122.028](#), Human Resources Code, is
18 amended to read as follows:

19 Sec. 122.028. PROGRAM PROMOTION. The comptroller [~~council~~]
20 shall establish procedures for the promotion of the program
21 administered under this chapter.

22 SECTION 23. Section [122.029](#), Human Resources Code, is
23 amended to read as follows:

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

27 (1) conduct an audit of a state agency for compliance

1 with this chapter; and

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

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

7 SECTION 24. Section 122.030, Human Resources Code, is
8 amended to read as follows:

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

10 (a) The comptroller [~~council~~] shall develop a formal review
11 process for the annual review conducted under Section 122.019(e).
12 The review process must include:

13 (1) notice to affected parties, including community
14 rehabilitation programs;

15 (2) solicitation of public comment; and

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

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

20 (1) any public comment received;

21 (2) documentation provided by a central nonprofit
22 agency; and

23 (3) any documentation provided by a community
24 rehabilitation program or the public.

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

27 SECTION 25. The following provisions of the Human Resources

1 Code are repealed:

2 (1) Section 122.002(4);

3 (2) Section 122.003;

4 (3) Section 122.004;

5 (4) Section 122.005;

6 (5) Section 122.0055;

7 (6) Section 122.006;

8 (7) Section 122.007(b);

9 (8) Section 122.009(c);

10 (9) Section 122.013(b);

11 (10) Section 122.0206;

12 (11) Section 122.021;

13 (12) Section 122.025; and

14 (13) Section 122.027.

15 SECTION 26. (a) The Texas Council on Purchasing from People
16 with Disabilities is abolished.

17 (b) The validity of an action taken by or in connection with
18 the authority of the Texas Council on Purchasing from People with
19 Disabilities before it is abolished is not affected by the
20 abolition.

21 SECTION 27. (a) All powers and duties of the Texas Council
22 on Purchasing from People with Disabilities are transferred to the
23 comptroller of public accounts.

24 (b) A rule, form, policy, procedure, or decision of the
25 Texas Council on Purchasing from People with Disabilities continues
26 in effect as a rule, form, policy, procedure, or decision of the
27 comptroller of public accounts until superseded by an act of the

1 comptroller of public accounts or the comptroller of public
2 accounts' staff.

3 (c) A reference in law to the Texas Council on Purchasing
4 from People with Disabilities means the comptroller of public
5 accounts.

6 (d) Any action or proceeding before the Texas Council on
7 Purchasing from People with Disabilities is transferred without
8 change in status to the comptroller of public accounts, and the
9 comptroller of public accounts assumes, without a change in status,
10 the position of the Texas Council on Purchasing from People with
11 Disabilities in any action or proceeding to which the Texas Council
12 on Purchasing from People with Disabilities is a party.

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

16 (f) All personal property, including records, in the
17 custody of the Texas Council on Purchasing from People with
18 Disabilities becomes the property of the comptroller of public
19 accounts.

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

23 SECTION 28. The terms of the current members of the advisory
24 committee amended by this Act expire on the effective date of this
25 Act. On that date or as soon as possible after that date, the
26 comptroller shall appoint new members to the advisory committee in
27 accordance with the requirements of Section [122.0057](#), Human

1 Resources Code, as amended by this Act. The comptroller shall
2 designate the four members of the committee whose terms expire on
3 February 1, 2017, and the five members of the committee whose terms
4 expire on February 1, 2019.

5 SECTION 29. This Act takes effect September 1, 2015.