

By: Lucio III, Rodriguez, Anchia, Ortiz, Jr.

H.B. No. 970

Substitute the following for H.B. No. 970:

By: Solomons

C.S.H.B. No. 970

A BILL TO BE ENTITLED

AN ACT

1
2 relating to considering ownership interests of disabled persons in
3 determining whether a business is a historically underutilized
4 business for purposes of state contracting.

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

6 SECTION 1. Section 2161.001(3), Government Code, is amended
7 to read as follows:

8 (3) "Economically disadvantaged person" means a
9 person who is economically disadvantaged because of the person's
10 identification as a member of a certain group, including Black
11 Americans, Hispanic Americans, women, Asian Pacific Americans,
12 ~~[and]~~ Native Americans, and persons with a disability as defined by
13 42 U.S.C. Section 12102, and who has suffered the effects of
14 discriminatory practices or other similar insidious circumstances
15 over which the person has no control.

16 SECTION 2. Section 2161.0012, Government Code, is amended
17 by adding Subsection (c) to read as follows:

18 (c) The comptroller shall adopt rules relating to the
19 requirements for disabled persons to qualify as economically
20 disadvantaged persons under this chapter.

21 SECTION 3. Section 2161.061, Government Code, is amended by
22 adding Subsection (f) to read as follows:

23 (f) The comptroller may not certify a business as a
24 historically underutilized business on the basis of the business

1 being owned by one or more economically disadvantaged persons who
2 qualify as economically disadvantaged solely based on disability
3 unless the business submits to the comptroller, for each owner of
4 the business claiming to be an economically disadvantaged person on
5 the basis of disability, an affidavit from the business owner's
6 physician verifying the person's disability.

7 SECTION 4. Section 2161.125, Government Code, is amended to
8 read as follows:

9 Sec. 2161.125. CATEGORIZATION OF HISTORICALLY
10 UNDERUTILIZED BUSINESSES [~~BY SEX, RACE, AND ETHNICITY~~]. The
11 comptroller, in cooperation with each state agency reporting under
12 this subchapter, shall categorize each historically underutilized
13 business included in a report under this subchapter by sex, race,
14 [~~and~~] ethnicity, and disability.

15 SECTION 5. This Act takes effect September 1, 2009.