

By: Farias, Ratliff, Menendez, Guerra,
et al.

H.B. No. 194

A BILL TO BE ENTITLED

1 AN ACT
2 relating to considering ownership interests of certain disabled
3 veterans in determining whether a business is a historically
4 underutilized business for purposes of state contracting and to
5 promoting state contract awards to historically underutilized
6 businesses based on that ownership.

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

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

10 (3) "Economically disadvantaged person" means a
11 person who is economically disadvantaged because of the person's
12 identification as a member of a certain group, including Black
13 Americans, Hispanic Americans, women, Asian Pacific Americans,
14 ~~and~~ Native Americans, and veterans as defined by 38 U.S.C.
15 Section 101(2) who have suffered at least a 20 percent
16 service-connected disability as defined by 38 U.S.C. Section
17 101(16), and who has suffered the effects of discriminatory
18 practices or other similar insidious circumstances over which the
19 person has no control.

20 SECTION 2. Section 2161.002, Government Code, is amended by
21 adding Subsection (d) to read as follows:

22 (d) The comptroller shall adopt rules to provide goals for
23 increasing the contract awards for the purchase of goods or
24 services by the commission and other state agencies to businesses

1 that qualify as historically underutilized businesses because the
2 businesses are owned or owned, operated, and controlled, as
3 applicable, wholly or partly by one or more veterans as defined by
4 38 U.S.C. Section 101(2) who have a service-connected disability as
5 defined by 38 U.S.C. Section 101(16). The goals established under
6 this subsection are in addition to the goals established under
7 Subsection (c) and the goals established under Subsection (c) may
8 not be reduced as a result of the establishment of goals under this
9 subsection.

10 SECTION 3. Section 2161.125, Government Code, is amended to
11 read as follows:

12 Sec. 2161.125. CATEGORIZATION OF HISTORICALLY
13 UNDERUTILIZED BUSINESSES [~~BY SEX, RACE, AND ETHNICITY~~]. The
14 comptroller, in cooperation with each state agency reporting under
15 this subchapter, shall categorize each historically underutilized
16 business included in a report under this subchapter by sex, race,
17 and ethnicity and by whether the business qualifies as a
18 historically underutilized business because it is owned or owned,
19 operated, and controlled, as applicable, wholly or partly by one or
20 more veterans as defined by 38 U.S.C. Section 101(2) who have
21 suffered at least a 20 percent service-connected disability as
22 defined by 38 U.S.C. Section 101(16).

23 SECTION 4. (a) Unless expressly provided otherwise, if any
24 provision of this Act or its application to any person or
25 circumstance is held invalid, the invalidity does not affect other
26 provisions or applications of this Act that can be given effect
27 without the invalid provision or application, and to this end the

1 provisions of this Act are severable.

2 (b) This section does not affect the power or duty of a court
3 to ascertain and give effect to legislative intent concerning
4 severability of this Act.

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