

BILL ANALYSIS

H.B. 3010
By: Simmons
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties explain that a historically underutilized business, or HUB, is a business in which at least 51 percent of the business is owned, operated, and controlled by one or more economically disadvantaged persons, is formed for the purpose of making a profit, and is a legally recognized business organization under the laws of the state. These parties believe that a business owned by one or more persons with a disability should be able to qualify as a HUB and that state agencies should increase contract awards for goods and services given to such a business. H.B. 3010 seeks to provide for the consideration of ownership interests of certain persons with disabilities in determining whether a business is a HUB for purposes of state contracting.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 2 of this bill.

ANALYSIS

H.B. 3010 amends the Government Code to require the comptroller of public accounts to adopt rules to provide goals for increasing the contract awards for the purchase of goods or services by the comptroller and other state agencies to businesses that qualify as historically underutilized businesses because the businesses are owned or owned, operated, and controlled, as applicable, wholly or partly by one or more persons with a disability, as defined by the federal Americans With Disabilities Act. The bill specifies that these goals are in addition to other established goals relating to rules adopted based on the results of a State of Texas disparity study and relating to contracts awarded to businesses that qualify as historically underutilized because the business is owned, operated, or controlled, as applicable, by one or more veterans with certain service-connected disabilities. The bill prohibits such goals from being reduced as a result of the goals established under the bill's provisions. The bill requires a business owned by one or more persons who qualify as economically disadvantaged solely based on being a person with a disability to submit to the comptroller an affidavit from the physician of each owner claiming a disability verifying that owner's disability in order for the business to be certified by the comptroller as a historically underutilized business.

H.B. 3010 expands the definition of "economically disadvantaged person" to include a person with a disability as defined by the federal Americans With Disabilities Act.

EFFECTIVE DATE

September 1, 2015.