

By: Zaffirini

S.B. No. 1052

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of ownership interests of certain persons with disabilities in determining whether a business is a historically underutilized business for purposes of state contracting.

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

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

(3) "Economically disadvantaged person" means a person who:

(A) is economically disadvantaged because of the person's identification as a member of a certain group, including:

- (i) Black Americans;
- (ii) Hispanic Americans;
- (iii) women;
- (iv) Asian Pacific Americans;
- (v) Native Americans; ~~and~~
- (vi) veterans as defined by 38 U.S.C. Section 101(2) who have suffered at least a 20 percent service-connected disability as defined by 38 U.S.C. Section 101(16); and
- (vii) persons with a disability as defined by 42 U.S.C. Section 12102; and

(B) has suffered the effects of discriminatory

1 practices or other similar insidious circumstances over which the  
2 person has no control.

3 SECTION 2. Section 2161.002, Government Code, is amended by  
4 adding Subsection (e) to read as follows:

5 (e) The comptroller shall adopt rules to provide goals for  
6 increasing the contract awards for the purchase of goods or  
7 services by the commission and other state agencies to businesses  
8 that qualify as historically underutilized businesses because the  
9 businesses are owned or owned, operated, and controlled, as  
10 applicable, wholly or partly by one or more persons with a  
11 disability as defined by 42 U.S.C. Section 12102. The goals  
12 established under this subsection are in addition to the goals  
13 established under Subsections (c) and (d), and the goals  
14 established under Subsections (c) and (d) may not be reduced as a  
15 result of the establishment of goals under this subsection.

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

18 (f) To be certified by the commission as a historically  
19 underutilized business, a business owned by one or more persons who  
20 qualify as economically disadvantaged solely based on being a  
21 person with a disability must submit to the commission an affidavit  
22 from the physician of each owner claiming a disability verifying  
23 that owner's disability.

24 SECTION 4. Section 2161.125, Government Code, is amended to  
25 read as follows:

26 Sec. 2161.125. CATEGORIZATION OF HISTORICALLY  
27 UNDERUTILIZED BUSINESSES. The comptroller, in cooperation with

1 each state agency reporting under this subchapter, shall categorize  
2 each historically underutilized business included in a report under  
3 this subchapter by sex, race, and ethnicity and by whether the  
4 business qualifies as a historically underutilized business  
5 because it is owned or owned, operated, and controlled, as  
6 applicable, wholly or partly by one or more persons with a  
7 disability as defined by 42 U.S.C. Section 12102 or one or more  
8 veterans as defined by 38 U.S.C. Section 101(2) who have suffered at  
9 least a 20 percent service-connected disability as defined by 38  
10 U.S.C. Section 101(16).

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