

By: Reynolds

H.B. No. 858

A BILL TO BE ENTITLED

AN ACT

relating to creating a disadvantaged business assistance program to be operated by the Texas Department of Transportation.

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

SECTION 1. Subchapter I, Chapter 201, Transportation Code, is amended by adding Section 201.7025 to read as follows:

Sec. 201.7025. DISADVANTAGED BUSINESS ASSISTANCE PROGRAM.

(a) The commission by rule may establish a program for assisting businesses that are identified as disadvantaged businesses under the program established under Section 201.702.

(b) The department may establish, as an account in the state highway fund, a revolving fund to provide financing to foster and stimulate the development of the businesses. The revolving fund may be composed of financing application fees, loan repayments, guarantee fees, dividend income, donations, contributions, or money appropriated by the legislature for purposes for which the fund may be used, amounts received by the state from federal grants or other sources, and any other amounts received under this section and required by the department to be deposited in the revolving fund. Money that is dedicated for another purpose, including money that is required to be used for public roadways by the Texas Constitution or federal law, may not be deposited in the revolving fund. Interest earned on the money in the revolving fund shall be credited to the revolving fund.

1 (c) Money in the revolving fund established under this
2 section may be used only to provide financing, including loans, to
3 foster and stimulate the development of businesses that are
4 identified as disadvantaged businesses under the program
5 established under Section 201.702 and for the purposes of that
6 program, particularly to help remove barriers to the participation
7 of disadvantaged businesses in department contracts and to assist
8 the development of those businesses so that they are able to compete
9 successfully in the marketplace without program assistance.

10 (d) Financing from the revolving fund established under
11 this section must be on terms and conditions that the department
12 determines to be reasonable, appropriate, and consistent with the
13 purposes and objectives of this section and the program established
14 under Section 201.702.

15 (e) The commission shall adopt rules governing the terms and
16 conditions of the financing, specifically including requirements
17 for appropriate security or collateral, equity interest, and the
18 rights and remedies of the department in the event of a default on a
19 loan. The rules must include a requirement that applicants report
20 to the department on the use of money distributed from the fund.

21 (f) A claim of the state for a payment owed to the state
22 under this section by a person who has been provided financing under
23 this section is considered a state debt for purposes of Section
24 403.055, Government Code.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2017.