

## **BILL ANALYSIS**

H.B. 3362  
By: Hernandez  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that preference in state contracting is not currently afforded to businesses based on the business being owned by persons with a disability as it is extended to businesses based on the business being owned by certain racial minorities, women, and veterans. In order to expand business opportunities in the disabled community, H.B. 3362 seeks to extend this state contracting preference to businesses owned by a person with a disability.

### **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. 3362 amends the Government Code to include a person with a disability, as defined by applicable federal law, among the persons who, having suffered the effects of discriminatory practices or other similar insidious circumstances over which the person has no control, are classified as economically disadvantaged for purposes of state contracting with historically underutilized businesses. 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 of public accounts an affidavit from a physician for each owner claiming a disability verifying that owner's disability in order to be certified by the comptroller as a historically underutilized business.

H.B. 3362 requires the comptroller to adopt rules to provide goals for increasing the contract awards for the purchase of goods or services by the comptroller and other applicable state agencies to businesses that qualify as historically underutilized businesses because the businesses are at least 51 percent owned or owned, operated, and controlled, as applicable, by one or more persons with a disability. Those goals are in addition to certain other previously established goals relating to historically underutilized businesses, and the previously established goals may not be reduced as a result of newly established goals.

### **EFFECTIVE DATE**

September 1, 2019.