

Amend CSSB 1 (house committee printing) as follows:

(1) In Article IX of the bill, Reporting Requirements, on page IX-38, strike Sec. 7.07. Historical Underutilized Business Policy Compliance, and insert the following:

Sec. 7.07. Historically Underutilized Business Policy Compliance.

(a)(1) Before December 1, 2021, each agency or institution shall submit a report demonstrating to the Legislative Budget Board and comptroller compliance and a plan for maintaining future compliance with Government Code § 2161.123 and that it will make good faith efforts to meet its goals established under Government Code § 2161.123(d)(5) for increasing the agency's or institution's use of historically underutilized businesses (HUBs) in purchasing and public works contracting.

(2) The State Auditor's Office (SAO) shall audit compliance with HUB provisions at least once per biennium. The SAO should make recommendations to the entities audited. Copies of the audit report shall be submitted to the Legislative Budget Board and comptroller.

(3) In demonstrating to the Legislative Budget Board and comptroller that the agency or institution is compliant and will in the future maintain compliance or become compliant with Government Code § 2161.123 and that it will make good faith efforts to meet the agency's or institution's HUB purchasing and contracting goals, the agency or institution shall submit a plan addressing:

(A) Statistical disparities by race, ethnicity and gender classification in current HUB utilization, particularly in prime contracting;

(B) Statistical disparities by race, ethnicity and gender classification in the private marketplace, particularly in the area of utilization of women- and minority-owned firms in commercial construction;

(C) Statistical disparities in firm earnings by race, ethnicity and gender classification;

(D) Anecdotal testimony of disparate treatment as presented by business owners in interviews, surveys, public hearings and focus groups;

(E) Details of the agency's outreach plan; and

(F) Proper staffing of the agency's HUB department.

(b) Upon being identified as lacking in compliance with HUB provisions by the SAO or at the request of the Legislative Budget Board, a state agency or institution shall also provide quarterly reports to the Legislative Budget Board and comptroller on the status of implementation of the plan described under Subsection (a) of this section.