

- SUBJECT:** Classifying disabled as economically disadvantaged for state contracting
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 9 ayes — Solomons, Cook, Geren, Harless, Jones, Lucio, Oliveira, Swinford, S. Turner
- 0 nays
- 6 absent — Menendez, Craddick, Farabee, Gallego, Hilderbran, Maldonado
- WITNESSES:** For — Chase Bearden, Coalition of Texans with Disabilities; (*Registered, but did not testify*: Ellen Arnold, Goodwills of Texas; Jeff Miller, Advocacy, Incorporated; Gyl Wadge, Mental Health America of Texas)
- Against — None
- BACKGROUND:** A “historically underutilized business” (HUB) is a business that is majority-owned and operated by economically disadvantaged individuals.
- An “economically disadvantaged person” is defined as a member of a certain group who has suffered the effects of discriminatory practices over which the individual has no control. Economically disadvantaged persons include Black, Hispanic, Asian Pacific, and Native Americans, and women.
- Under federal law, 42 U.S.C. sec. 12102, “disability,” with respect to an individual, means:
- a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
 - a record of such an impairment; or
 - being regarded as having such an impairment.
- DIGEST:** CSHB 970 would add individuals with a disability as defined by 42 U.S.C. sec. 12102 to the list of economically disadvantaged persons described in Government Code, sec. 2161.001(3). The bill would require the comptroller to adopt rules relating to the requirements for disabled persons

to qualify as economically disadvantaged persons. In addition, the comptroller would not certify a business as a HUB on the basis of being owned by one or more disabled individuals unless the business submitted, for each owner claiming to be disabled, an affidavit from the business owner's physician verifying the individual's disability.

The bill would take effect September 1, 2009.