

CHAPTER 1058

S.B. No. 482

AN ACT

relating to adoption of programs by certain home-rule municipalities to increase participation by minority business enterprises in contract awards.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 106.001, Civil Practice and Remedies Code, is amended by adding Subsection (c) to read as follows:

*(c)(1) In this subsection:*

*(A) "Minority business enterprises" means businesses at least 51 percent of which are both owned and controlled in management and daily operations by minorities or women.*

*(B) "Minorities" includes blacks, Hispanics, Asian-Americans, American Indians, and Alaska natives.*

*(2) Neither this section nor any home-rule charter or general law may be construed to prevent a home-rule municipality with a population of 900,000 or more according to the most recent federal census from adopting a program or programs designed to reasonably increase participation by minority business enterprises in public contract awards. If, as part of a program described by this subdivision, the governing body of such a municipality establishes a goal of having a certain percentage of its public contract awards made to minority business enterprises, the governing body shall use a qualified independent source to establish to what extent minority business enterprises in the municipality are available to receive awards for each of the various kinds of construction of public contracts that will be awarded. The percentage goal shall not exceed the availability of minority business enterprises in the municipality as determined by the independent source.*

*(3) If the governing body of a municipality described by Subdivision (2) of this subsection adopts a program described by that subdivision, the governing body must also provide a program outlining acceptable assistance that may be provided by contractors or others to minority business enterprises in the municipality to achieve the purposes of the program described by Subdivision (2).*

*(4) General law or a home-rule charter that requires competitive bidding and the award of public contracts to the lowest responsible bidders is not affected by this subsection. However, all prospective bidders may be required to meet uniform standards designed to assure a reasonable degree of participation by minority business enterprises in the performance of any public contract.*

*(5) This subsection expires January 1, 1999.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 26, 1987, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 27, 1987, by a viva-voce vote.  
Passed the House, with amendment, on May 22, 1987, by a non-record vote.

Approved June 20, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.