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The Senate of  
The State of Texas

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RO-239

October 17, 1991

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Opinion Committee

The Honorable Dan Morales  
Attorney General  
Supreme Court Building  
P. O. Box 12548  
Austin, Texas 78711

Dear General Morales:

This is to request an Attorney General Opinion regarding the legislative intent of HB 799 passed during the 72nd Regular Session by Representative Harold Dutton and myself.

My understanding of the bill provides that the Texas Department of Commerce shall compile a certified list of disadvantaged businesses in this state, to update the list semiannually, to provide a copy of the list to the State Purchasing and General Services Commission and to each state agency on a semiannual bases, to include in the list each disadvantaged business certified as such a business, and to use the list in a good faith effort to assist disadvantaged businesses in receiving at least 10 percent of the total value of all contract awards.

There is some question as to whether HB 799 would apply to the procurement of brokerage and investment services by those state agencies involved in money management, specifically the Texas Retirement System. It is my position that all state agencies are included in this bill and must make a good faith effort to comply.

Please do not hesitate to contact me if you require additional information.

Sincerely,

JOHN WHITMIRE

Whitmire