

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 802, Page 3,  
2 Section 37.020, Line 68, by inserting immediately after all of said section and line the following:

3  
4 "620.1945. 1. As used in this section, unless the context clearly indicates otherwise, the  
5 following terms mean:

6 (1) "Member of a minority", any individual who has been subjected to racial or ethnic  
7 prejudice or cultural bias because of his or her identity as a member of a group without regard to his  
8 or her individual qualities. Such groups shall include, but not be limited to, groups based on race,  
9 color, religion, sex, or national origin;

10 (2) "Minority business enterprise", a socially and economically disadvantaged small  
11 business concern that is organized for profit, that is performing a commercially useful function, and  
12 that is owned and controlled by another minority business enterprise or one or more members of a  
13 minority, at least fifty percent of whom are resident citizens of this state;

14 (3) "Owned and controlled", if one or more entities control at least sixty percent of the  
15 management and daily business operations of the business, and;

16 (a) For a corporation, if one or more entities own at least sixty percent of the voting stock;  
17 or

18 (b) For all other forms of businesses, if one or more entities own at least sixty percent of the  
19 business;

20 (4) "Socially and economically disadvantaged small business concern", the same meaning as  
21 ascribed under the Small Business Act, 15 U.S.C. Section 637(a). However, an individual whose  
22 personal net worth exceeds five hundred thousand dollars shall not be considered economically  
23 disadvantaged.

24 2. The department of economic development shall develop a program that will provide  
25 training and assistance to minority business enterprises that helps such minority business enterprises  
26 satisfy the criteria to secure bid, performance, and payment bonds, which are required to contract  
27 with federal agencies, state agencies, or political subdivisions of the state.

28 3. The department of economic development may secure letters of credit, as determined  
29 necessary by the department, to guarantee bid, performance, and payment bonds that such minority  
30 business enterprises are required to obtain in order to contract with federal agencies, state agencies,  
31 or political subdivisions of the state. The department, as it determines necessary, may secure letters  
32 of credit to guarantee bid, performance, and payment bonds under this subsection. Moneys for such  
33 program shall not exceed five million dollars in the aggregate.

34 4. The department of economic development may promulgate rules to implement the  
35 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,  
36 that is created under the authority delegated in this section shall become effective only if it complies

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
2 section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly  
3 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
4 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
5 adopted after August 28, 2018, shall be invalid and void."; and  
6

7 Further amend said bill by amending the title, enacting clause, and intersectional references  
8 accordingly.