

FIRST REGULAR SESSION

# HOUSE BILL NO. 102

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GREEN.

0209H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 620, RSMo, by adding thereto one new section relating to assistance for minority business enterprises.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 620, RSMo, is amended by adding thereto one new section, to be  
2 known as section 620.1945, to read as follows:

**620.1945. 1. As used in this section, unless the context clearly indicates otherwise,**  
2 **the following terms mean:**

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

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

12       **(3) "Owned and controlled", one or more entities control at least sixty percent of**  
13 **the management and daily business operations of the business and:**

14       **(a) For a corporation, one or more entities own at least sixty percent of the voting**  
15 **stock; or**

16       **(b) For all other forms of businesses, one or more entities own at least sixty percent**  
17 **of the business;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

22           **2. The department of economic development shall develop a program that will**  
23 **provide training and assistance to minority business enterprises that helps such minority**  
24 **business enterprises satisfy the criteria to secure bid, performance, and payment bonds,**  
25 **which are required to contract with federal agencies, state agencies, or political**  
26 **subdivisions of the state. Moneys for such program shall not exceed five million dollars in**  
27 **the aggregate.**

28           **3. The department of economic development may secure letters of credit, as**  
29 **determined necessary by the department, to guarantee bid, performance, and payment**  
30 **bonds that minority business enterprises are required to obtain in order to contract with**  
31 **federal agencies, state agencies, or political subdivisions of the state.**

32           **4. The department of economic development may promulgate rules to implement**  
33 **the provisions of this section. Any rule or portion of a rule, as that term is defined in**  
34 **section 536.010, that is created under the authority delegated in this section shall become**  
35 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
36 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**  
37 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
38 **the effective date, or to disapprove and annul a rule are subsequently held**  
39 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
40 **after August 28, 2019, shall be invalid and void.**

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