

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1749

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MILLER.

5143H.01P

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal section 34.074, RSMo, and to enact in lieu thereof two new sections relating to veteran preferences for contracts.

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

Section A. Section 34.074, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 34.069 and 34.074, to read as follows:

**34.069. 1. As used in this section, the following terms mean:**

(1) "Honorably discharged veteran", any individual who is honorably discharged from any branch of the Armed Forces of the United States as certified by the appropriate federal agency responsible for the administration of veterans' affairs;

(2) "Honorably discharged veteran-owned enterprise":

(a) A sole proprietorship owned and controlled by an honorably discharged veteran;

(b) A partnership or joint venture owned and controlled by honorably discharged veterans in which at least fifty-one percent of the ownership interest is held by honorably discharged veterans and the management and daily business operations are controlled by one or more of the honorably discharged veteran owners; or

(c) A corporation or other entity:

a. At least fifty-one percent of which is owned by one or more honorably discharged veterans or, if stock is issued, at least fifty-one percent of the stock is owned by one or more honorably discharged veterans; and

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.

16           **b. Whose management and daily business operations are controlled by one or**  
17 **more of the honorably discharged veteran owners.**

18           **2. In letting contracts for the performance of any job or service, all agencies,**  
19 **departments, institutions, and other entities of this state and of each political subdivision**  
20 **of this state shall give a three-point bonus preference to honorably discharged veteran-**  
21 **owned enterprises that are doing business as Missouri firms, corporations, or**  
22 **individuals or that maintain Missouri offices or places of business.**

23           **3. In implementing the provisions of subsection 2 of this section, the following**  
24 **provisions shall apply:**

25           **(1) The commissioner of administration shall have the goal of three percent of all**  
26 **such contracts described in subsection 2 of this section to be let to honorably discharged**  
27 **veteran-owned enterprises;**

28           **(2) If no or an insufficient number of honorably discharged veteran-owned**  
29 **enterprises submit a bid or proposal for a contract let by an agency, department,**  
30 **institution, or other entity of the state or of a political subdivision of the state, such goal**  
31 **shall not be required and the provisions of subdivision (1) of this subsection shall not**  
32 **apply; and**

33           **(3) Any honorably discharged veteran-owned enterprise that receives bonus**  
34 **points under this section shall not receive bonus points under section 34.074.**

35           **4. The commissioner of administration may promulgate rules to implement the**  
36 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**  
37 **536.010, that is created under the authority delegated in this section shall become**  
38 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
39 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any**  
40 **of the powers vested with the general assembly pursuant to chapter 536 to review, to**  
41 **delay the effective date, or to disapprove and annul a rule are subsequently held**  
42 **unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
43 **adopted after August 28, 2026, shall be invalid and void.**

34.074. 1. As used in this section, the term "service-disabled veteran" means any  
2 individual who is disabled as certified by the appropriate federal agency responsible for the  
3 administration of veterans' affairs.

4           2. As used in this section, the term "service-disabled veteran business" means a  
5 business concern:

6           (1) Not less than fifty-one percent of which is owned by one or more service-disabled  
7 veterans or, in the case of any publicly owned business, not less than fifty-one percent of the  
8 stock of which is owned by one or more service-disabled veterans; and

9 (2) The management and daily business operations of which are controlled by one or  
10 more service-disabled veterans.

11 3. In letting contracts for the performance of any job or service, all agencies,  
12 departments, institutions, and other entities of this state and of each political subdivision of  
13 this state shall give a three-point bonus preference to service-disabled veteran businesses  
14 doing business as Missouri firms, corporations, or individuals, or which maintain Missouri  
15 offices or places of business.

16 4. In implementing the provisions of subsection 3 of this section, the following shall  
17 apply:

18 (1) The commissioner of administration shall have the goal of three percent of all  
19 such contracts described in subsection 3 of this section to be let to such veterans;

20 (2) If no or an insufficient number of such veterans doing business in this state submit  
21 a bid or proposal for a contract let by an agency, department, institution, or other entity of the  
22 state or a political subdivision, such goal shall not be required and the provisions of  
23 subdivision (1) of this subsection shall not apply; **and**

24 (3) **Any service-disabled veteran business that receives bonus points under this**  
25 **section shall not receive bonus points under section 34.069.**

26 5. The commissioner of administration may promulgate rules in order to implement  
27 the provisions of this section. Any rule or portion of a rule, as that term is defined in section  
28 536.010, that is created under the authority delegated in this section shall become effective  
29 only if it complies with and is subject to all of the provisions of chapter 536 and if applicable,  
30 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
31 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
32 date, or **to** disapprove and annul a rule **are** subsequently held unconstitutional, then the grant  
33 of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be  
34 invalid and void.

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