

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION

HOUSE BILL NO. 48

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREEN.

5895H.011

DANA RADEMAN MILLER, ChiefClerk

AN ACT

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

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, the following terms mean:

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

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

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

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

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.

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

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

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

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

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

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