

FIRST REGULAR SESSION

# SENATE BILL NO. 90

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0605S.011

## AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to increasing the number of contracts awarded to women's and minority business enterprises.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.308, to read as follows:

**67.308. 1. As used in this section, the following words and phrases shall mean:**

(1) "Certification", the determination, through whatever procedure is used by the political subdivision, that a legal entity is a socially and economically disadvantaged small business concern for purposes of this section;

(2) "Minority business enterprise", a business that is:

(a) A sole proprietorship owned and controlled by a minority;

(b) A partnership or joint venture owned and controlled by minorities in which at least fifty-percent of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or

(c) A corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it, and which is at least fifty-one percent owned by one or more minorities, or if stock is issued, at least fifty-one percent of the stock is owned by one or more minorities;

(3) "Political subdivision":

20 (a) Any county with a charter form of government and with more  
21 than nine hundred fifty thousand inhabitants; or

22 (b) Any city not within a county;

23 (4) "Socially and economically disadvantaged individuals",  
24 individuals, regardless of gender, who have been subjected to racial,  
25 ethnic, or sexual prejudice or cultural bias because of their identity as  
26 a member of a group without regard to their individual qualities and  
27 whose ability to compete in the free enterprise system has been  
28 impaired due to diminished capital and credit opportunities as  
29 compared to others in the same business area. In determining the  
30 degree of diminished credit and capital opportunities each political  
31 subdivision shall consider, but not be limited to, the assets and net  
32 worth of such individual;

33 (5) "Socially and economically disadvantaged small business  
34 concern", any small business concern:

35 (a) Which is at least fifty-one percent owned by one or more  
36 socially and economically disadvantaged individuals; or, in the case of  
37 any publicly owned business, at least fifty-one percent of the stock of  
38 which is owned by one or more socially and economically  
39 disadvantaged individuals; and

40 (b) Whose management and daily business operations are  
41 controlled by one or more of such individuals;

42 (6) "Women's business enterprise", a business that is:

43 (a) A sole proprietorship owned and controlled by a woman;

44 (b) A partnership or joint venture owned and controlled by  
45 women in which at least fifty-one percent of the ownership interest is  
46 held by women and the management and daily business operations of  
47 which are controlled by one or more of the women who own it; or

48 (c) A corporation or other entity whose management and daily  
49 business operations are controlled by one or more women who own it,  
50 and which is at least fifty-one percent owned by women, or if stock is  
51 issued, at least fifty-one percent of the stock is owned by one or more  
52 women.

53 2. Each political subdivision shall establish and implement a  
54 plan to increase and maintain the participation of certified socially and  
55 economically disadvantaged small business concerns, women's business

56 **enterprises, or minority business enterprises, directly or indirectly, in**  
57 **at least fifty percent of the contracts for supplies, services, and**  
58 **construction contracts let by the political subdivision.**

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