

SECOND REGULAR SESSION

# SENATE BILL NO. 984

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6114S.011

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## AN ACT

To repeal section 226.150, RSMo, and to enact in lieu thereof one new section relating to highway construction by disadvantaged business enterprises.

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

Section A. Section 226.150, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 226.150, to read as follows:

226.150. 1. The commission is hereby directed to comply with the  
2 provisions of any act of Congress providing for the distribution and expenditure  
3 of funds of the United States appropriated by Congress for highway construction,  
4 and to comply with any of the rules or conditions made by the Bureau of Public  
5 Roads of the Department of Agriculture, or other branch of the United States  
6 government, acting under the provisions of federal law in order to secure to the  
7 state of Missouri funds allotted to this state by the United States government for  
8 highway construction. The commission is authorized to pay the state's proportion  
9 of the cost of roads constructed with federal and state funds out of the state road  
10 fund. Any money due to the state of Missouri from the United States, under the  
11 provisions of such acts of Congress, relating to highway construction, shall be  
12 received by the state treasury and deposited in a separate fund, and paid out by  
13 the state treasurer on requisitions drawn by an officer of the state highways and  
14 transportation commission on a warrant of the state auditor. Said funds being  
15 the funds of the federal government allotted to the state of Missouri, no  
16 appropriation of the general assembly for the expenditure of such funds shall be  
17 necessary. The commission is authorized to accept, receive and utilize any road  
18 machinery, trucks or supplies donated, loaned or sold to the state by the federal  
19 government, and to pay the necessary transportation and other expenses of  
20 securing the same. The commission may also sell any unnecessary or surplus

21 tools or equipment and receive payment therefor and all money received on  
22 account of such sales, if any, shall be immediately paid into the state treasury to  
23 the credit of the state road fund; provided, however, that no such unnecessary or  
24 surplus tools or equipment shall be sold directly or indirectly by the commission  
25 to any employees of the transportation department except when such sales are  
26 made at public sale open to the general public.

27 **2. Notwithstanding the provisions of subsection 1 of this section,**  
28 **the commission shall consider small business concerns owned and**  
29 **controlled by veterans, as such phrase is defined in 15 U.S.C. 632(q), to**  
30 **be disadvantaged business enterprises under 49 CFR 26 and 7 CSR 10-8,**  
31 **and shall include veterans as a category of persons controlling small**  
32 **business concerns in the written notice provided to the United States**  
33 **Secretary of Transportation under Section 1101(b)(4) of the Fixing**  
34 **America's Surface Transportation Act of 2015 (Pub. Law 114-94).**

35 **3. If the United States Secretary of Transportation determines**  
36 **that subsection 2 of this section has the effect of placing the state of**  
37 **Missouri in noncompliance with any federal constitutional, statutory,**  
38 **or regulatory provision that would result in the loss of any federal aid**  
39 **funds to the Missouri highways and transportation commission, then**  
40 **subsection 2 of this section shall be null and void.**

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