

# SENATE BILL NO. 1245

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

5043S.011

KRISTINA MARTIN, Secretary

## AN ACT

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

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Section A. Section 34.074, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 34.069 and 34.074, to read as follows: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

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

21           b. Whose management and daily business operations are  
22 controlled by one or more of the honorably discharged  
23 veteran owners.

24           2. In letting contracts for the performance of any job  
25 or service, all agencies, departments, institutions, and  
26 other entities of this state and of each political  
27 subdivision of this state shall give a three-point bonus  
28 preference to honorably discharged veteran-owned enterprises  
29 that are doing business as Missouri firms, corporations, or  
30 individuals or that maintain Missouri offices or places of  
31 business.

32           3. In implementing the provisions of subsection 2 of  
33 this section, the following provisions shall apply:

34           (1) The commissioner of administration shall have the  
35 goal of three percent of all state contracts described in  
36 subsection 2 of this section to be let to honorably  
37 discharged veteran-owned enterprises;

38           (2) If an insufficient number of honorably discharged  
39 veteran-owned enterprises submit a bid or proposal for a  
40 contract let by an agency, department, institution, or other  
41 entity of the state or of a political subdivision of the  
42 state, the provisions of subdivision (1) of this subsection  
43 shall not apply; and

44           (3) Any honorably discharged veteran-owned enterprise  
45 that receives bonus points under this section shall not  
46 receive bonus points under section 34.074.

47           4. The commissioner of administration may promulgate  
48 rules to implement the provisions of this section. Any rule

49 or portion of a rule, as that term is defined in section  
50 536.010, that is created under the authority delegated in  
51 this section shall become effective only if it complies with  
52 and is subject to all of the provisions of chapter 536 and,  
53 if applicable, section 536.028. This section and chapter  
54 536 are nonseverable and if any of the powers vested with  
55 the general assembly pursuant to chapter 536 to review, to  
56 delay the effective date, or to disapprove and annul a rule  
57 are subsequently held unconstitutional, then the grant of  
58 rulemaking authority and any rule proposed or adopted after  
59 August 28, 2026, shall be invalid and void.

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

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

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

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

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

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

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

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

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

36           5. The commissioner of administration may promulgate  
37 rules in order to implement the provisions of this section.  
38 Any rule or portion of a rule, as that term is defined in  
39 section 536.010, that is created under the authority  
40 delegated in this section shall become effective only if it  
41 complies with and is subject to all of the provisions of  
42 chapter 536 and if applicable, section 536.028. This  
43 section and chapter 536 are nonseverable and if any of the  
44 powers vested with the general assembly pursuant to chapter  
45 536 to review, to delay the effective date, or **to** disapprove  
46 and annul a rule **are** subsequently held unconstitutional,  
47 then the grant of rulemaking authority and any rule proposed  
48 or adopted after August 28, 2010, shall be invalid and void.

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