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## SENATE BILL NO. 727

Offered January 30, 2006

A *BILL to amend and reenact §§ 2.2-2001 and 2.2-4310 of the Code of Virginia, relating to the Department of Veterans Services; certification of businesses owned by special disabled veterans.*

Patron—Wagner

Unanimous consent to introduce

Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2001 and 2.2-4310 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-2001. Administrative responsibilities of the Department.

A. The Department shall be responsible for the establishment, operation, administration, and maintenance of offices and programs related to services for veterans of the armed forces of the United States and their Virginia-domiciled surviving spouses, orphans, and dependents. Such services shall include, but not be limited to, benefits claims processing and all medical care centers and cemeteries for veterans owned and operated by the Commonwealth.

B. *The Department shall adopt reasonable regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) to implement a certification program for businesses owned or operated by individuals holding special disabled veteran status.*

*"Special disabled veteran" means a veteran who served on active duty in the United States military ground, naval, or air service and who was discharged or released from active duty because of a service-connected disability*

§ 2.2-4310. Discrimination prohibited; participation of small, women-, minority-, and special disabled veteran-owned business.

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, *status as a special disabled veteran*, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Minority Business Enterprise *and the Department of Veterans Services*.

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses and businesses owned by women ~~and~~ minorities, *and special disabled veterans* in procurement transactions. The programs established shall be in writing and shall include cooperation with the Department of Minority Business Enterprise, *the Department of Veterans Services*, the United States Small Business Administration, and other public or private agencies. State agencies shall submit annual progress reports on minority business procurement to the Department of Minority Business Enterprise *and on special disabled veteran-owned businesses to the Department of Veterans Services*.

C. Whenever there exists (i) a rational basis for small business enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women- and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law. For the purposes of this subsection, "state agency" means any authority, board, department, instrumentality, institution, agency or other unit of state government. "State agency" shall not include any county, city or town.

D. In the solicitation or awarding of contracts, no state agency, department or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

INTRODUCED

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