

FIRST REGULAR SESSION

HOUSE BILL NO. 321

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YATES.

Read 1st time January 25, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1179L.011

AN ACT

To repeal section 191.859, RSMo, and to enact in lieu thereof two new sections relating to the advisory assistive technology council.

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

Section A. Section 191.859, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 191.859 and 191.861, to read as follows:

191.859. The council shall [serve as an] advocate for **assistive technology** policies, regulations and programs [to], **and shall** establish a consumer-responsive, comprehensive assistive technology service delivery system. The council shall:

- (1) Promote awareness of the needs of individuals with disabilities for assistive technology devices and services and the efficacy of providing such devices and services to allow persons with disabilities to be productive and independent;
- (2) Gain an understanding of current policies, practices, and procedures that facilitate or impede the availability or provision of assistive technology and recommend methods to streamline such policies;
- (3) Research and study data from the major public and private providers of assistive technology regarding numbers and types of devices and services delivered;
- (4) Establish interagency coordination mechanisms among state agencies and public and private entities that provide assistive technology devices and services in an effort to eliminate gaps and reduce duplication of such services to individuals with disabilities;
- (5) Foster the capacity of public and private entities to provide assistive technology

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.

16 devices and services so that individuals with disabilities of all ages will, to the extent
17 appropriate, be able to secure and maintain possession of assistive technology as needed to
18 function independently and productively;

19 (6) Recommend **and implement** specific methods **and programs** to increase availability
20 of and funding for [the provision of] assistive technology devices and assistive technology
21 services for individuals with disabilities;

22 (7) **Employ staff necessary to implement assistive technology services and programs**
23 **assigned to the council, with all employees exempt from the state merit system under**
24 **chapter 36, RSMo;**

25 (8) Enter into grants or contracts with public or private agencies, schools, or
26 qualified individuals or organizations to deliver federally-required or otherwise necessary
27 assistive technology programs and services, including but not limited to assistive device
28 demonstration programs, device recycling programs, device loan programs, financial loan
29 programs, and assistive technology assessments, installation, and usage training for
30 individuals with disabilities, with or without utilizing the procurement procedures of the
31 office of administration;

32 (9) Administer the assistive technology trust fund created in section 191.861,
33 including the formation of a not-for-profit corporation that qualifies as a Section 501(c)(3)
34 organization under the Internal Revenue Code of 1986, as amended;

35 (10) Accept, administer, and disburse federal moneys as the lead agency for the
36 federal Assistive Technology Act of 2004, P.L. 108-364, and any amendments or successors
37 thereto, as well as moneys from the assistive technology trust fund created in section
38 191.861, and any other moneys appropriated, granted, or given for the purpose of
39 implementing assistive technology programs and services; and

40 (11) Report annually by January first to the governor and the general assembly on
41 council activities and the results of its studies, **programs, services,** and recommendations to
42 increase access to assistive technology.

191.861. 1. There is hereby created in the state treasury the "Assistive Technology
2 **Trust Fund" which shall be a public/private partnership fund administered by the**
3 **advisory assistive technology council. The fund shall consist of gifts, donations, grants, and**
4 **bequests from individuals, private organizations, foundations, or other sources granted or**
5 **given for the specific purpose of assistive technology, and moneys transferred or paid to**
6 **the council in return for goods and services provided by the council.**

7 **2. Upon appropriation, moneys in the fund shall be used to establish and maintain**
8 **assistive technology programs and services provided by the council under section 191.859**
9 **and shall not be used to supplant any existing program or service.**

10 **3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
11 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
12 **the general revenue fund.**

13 **4. The state treasurer shall invest moneys in the fund in the same manner as other**
14 **funds are invested. Any interest and moneys earned on such investments shall be credited**
15 **to the fund.**