

SECOND REGULAR SESSION

HOUSE BILL NO. 1367

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOBBS (Sponsor), RICHARD, WILSON (130), WETER, DAY, STEVENSON, MYERS, ERVIN, BLACK, BEAN, BRUNS, SMITH (150), RUESTMAN, MUNZLINGER, SATER, POLLOCK, ROBB, BEHNEN, FAITH, PHILLIPS, SANDER, PEARCE, WASSON, FRANZ, HOSKINS, HUBBARD, YOUNG, LOWE (44), WALSH, BOWMAN, BAKER (123) AND QUINN (Co-sponsors).

Read 1st time January 12, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3896L.011

AN ACT

To repeal sections 34.165 and 178.930, RSMo, and to enact in lieu thereof two new sections relating to state purchasing and printing, with an emergency clause.

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

Section A. Sections 34.165 and 178.930, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 34.165 and 178.930, to read as follows:

34.165. 1. In making purchases for this state, its governmental agencies or political
2 subdivisions, the commissioner of administration shall give a bidding preference consisting of
3 a [five-point] **twenty-five-point** bonus on bids for products and services manufactured, produced
4 or assembled in qualified nonprofit organizations for the blind established pursuant to the
5 provisions of 41 U.S.C. sections 46 to 48c, as amended and in sheltered workshops holding a
6 certificate of approval from the department of elementary and secondary education pursuant to
7 section 178.920, RSMo, **if the work generates in excess of five thousand dollars in annual**
8 **revenue for the participating nonprofit organization.**

9 2. **An affidavit signed by the director or manager and the board president of a**
10 **participating nonprofit organization shall be provided to the purchasing agency by the**
11 **contractor at the completion of the contract or within thirty days of the first anniversary**
12 **of the contract, whichever first occurs, verifying compliance.**

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.

13 **3.** The commissioner of administration shall make such rules and regulations regarding
14 specifications, quality standards, time of delivery, performance and other relevant matters as
15 shall be necessary to carry out the purpose of this section. No rule or portion of a rule
16 promulgated pursuant to the authority of this section shall become effective unless it has been
17 promulgated pursuant to the provisions of section 536.024, RSMo.

18 [3.] **4.** At the request of the commissioner of administration, the state auditor may
19 examine all records, books and data of any qualified nonprofit organization for the blind to
20 determine the costs of manufacturing products or rendering services and the manner and
21 efficiency of production and administration of such nonprofit organization with relation to any
22 product or services purchased by this state, its governmental agencies or political subdivisions
23 and to furnish the results of such examination to the commissioner for appropriate action.

 178.930. 1. Beginning July 1, [1999] **2006**, and thereafter, the department of elementary
2 and secondary education shall pay monthly, out of the funds appropriated to it for that purpose,
3 to each sheltered workshop a sum equal to [thirteen dollars multiplied by the number of six-hour
4 or longer days worked by handicapped workers] **sixty-five dollars for each standard**
5 **workweek (Monday through Friday) of up to and including thirty hours worked** during the
6 preceding calendar month. **Thirteen dollars shall be paid for each six-hour or longer day**
7 **worked by a handicapped employee on Saturdays and/or Sundays.** For each handicapped
8 worker employed by a sheltered workshop for less than **a thirty-hour week or** a six-hour day
9 **on Saturdays and/or Sundays**, the workshop shall receive a percentage of the [thirteen dollars]
10 **corresponding amount normally paid** based on the percentage of [the six-hour day] **time**
11 worked by the handicapped employee.

12 2. The department shall accept, as prima facie proof of payment due to a sheltered
13 workshop, information as designated by the department, either in paper or electronic format. A
14 statement signed by the president, secretary, and manager of the sheltered workshop, setting forth
15 the dates worked and the number of hours worked each day by each handicapped person
16 employed by that sheltered workshop during the preceding calendar month, together with any
17 other information required by the rules or regulations of the department, shall be maintained at
18 the workshop location.

19 3. There is hereby created in the state treasury the "Sheltered Workshop Per Diem
20 Revolving Fund" which shall be administered by the commissioner of the department of
21 elementary and secondary education. All moneys appropriated pursuant to subsection 1 of this
22 section shall be deposited in the fund and expended as described in subsection 1 of this section.

23 4. The balance of the sheltered workshop per diem revolving fund shall not exceed five
24 hundred thousand dollars at the end of each fiscal year and shall be exempt from the provisions
25 of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue

26 fund. Any unexpended balance in the sheltered workshop per diem revolving fund at the end of
27 each fiscal year exceeding five hundred thousand dollars shall be deposited in the general
28 revenue fund.

Section B. Because immediate action is necessary to coordinate changes in certain state
2 purchasing procedures with the state fiscal year, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and section A of this act shall be
5 in full force and effect on July 1, 2006, or upon its passage and approval, whichever later occurs.

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