

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1367**  
93RD GENERAL ASSEMBLY

---

Reported from the Committee on Aging, Families, Mental and Public Health, April 27, 2006, with recommendation that the Senate Committee Substitute do pass.

3896S.05C

TERRY L. SPIELER, Secretary.

---

**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.

---

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Section A. Sections 34.165 and 178.930, RSMo, are repealed and two new  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

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

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

15 3. The commissioner of administration shall make such rules and  
16 regulations regarding specifications, quality standards, time of delivery,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 performance and other relevant matters as shall be necessary to carry out the  
18 purpose of this section. No rule or portion of a rule promulgated pursuant to the  
19 authority of this section shall become effective unless it has been promulgated  
20 pursuant to the provisions of section 536.024, RSMo.

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

178.930. 1. (1) Beginning July 1, [1999] **2006**, and [thereafter] **until**  
2 **June 30, 2007**, the department of elementary and secondary education shall pay  
3 monthly, out of the funds appropriated to it for that purpose, to each sheltered  
4 workshop a sum equal to [thirteen dollars multiplied by the number of six-hour  
5 or longer days worked by handicapped workers] **sixty-five dollars for each**  
6 **standard workweek (Monday through Friday) of up to and including**  
7 **thirty hours worked** during the preceding calendar month. **Thirteen dollars**  
8 **shall be paid for each six-hour or longer day worked by a handicapped**  
9 **employee on Saturdays or Sundays.** For each handicapped worker employed  
10 by a sheltered workshop for less than a **thirty-hour week or** a six-hour day **on**  
11 **Saturdays or Sundays**, the workshop shall receive a percentage of the [thirteen  
12 dollars] **corresponding amount normally paid** based on the percentage of  
13 [the six-hour day] **time** worked by the handicapped employee.

(2) Beginning July 1, **2007**, and until **June 30, 2008**, the  
15 **department of elementary and secondary education shall pay monthly,**  
16 **out of the funds appropriated to it for that purpose, to each sheltered**  
17 **workshop a sum equal to seventy-five dollars for each standard**  
18 **workweek (Monday through Friday) of up to and including thirty hours**  
19 **worked during the preceding calendar month. Fifteen dollars shall be**  
20 **paid for each six-hour or longer day worked by a handicapped**  
21 **employee on Saturdays or Sundays. For each handicapped worker**  
22 **employed by a sheltered workshop for less than a thirty-hour week or**  
23 **six-hour day on Saturdays or Sundays, the workshop shall receive a**  
24 **percentage of the corresponding amount normally paid based on the**

25 **percentage of time worked by the handicapped employee.**

26 **(3) Beginning July 1, 2008, and until June 30, 2009, the**  
27 **department of elementary and secondary education shall pay monthly,**  
28 **out of the funds appropriated to it for that purpose, to each sheltered**  
29 **workshop a sum equal to eighty-five dollars for each standard**  
30 **workweek (Monday through Friday) of up to and including thirty hours**  
31 **worked during the preceding calendar month. Seventeen dollars shall**  
32 **be paid for each six-hour or longer day worked by a handicapped**  
33 **employee on Saturdays or Sundays. For each handicapped worker**  
34 **employed by a sheltered workshop for less than a thirty-hour week or**  
35 **six-hour day on Saturdays or Sundays, the workshop shall receive a**  
36 **percentage of the corresponding amount normally paid based on the**  
37 **percentage of time worked by the handicapped employee.**

38 **(4) Beginning July 1, 2009, and thereafter, the department of**  
39 **elementary and secondary education shall pay monthly, out of the**  
40 **funds appropriated to it for that purpose, to each sheltered workshop**  
41 **a sum equal to ninety dollars for each standard workweek (Monday**  
42 **through Friday) of up to and including thirty hours worked during the**  
43 **preceding calendar month. Eighteen dollars shall be paid for each six-**  
44 **hour or longer day worked by a handicapped employee on Saturdays**  
45 **or Sundays. For each handicapped worker employed by a sheltered**  
46 **workshop for less than a thirty-hour week or six-hour day on Saturdays**  
47 **or Sundays, the workshop shall receive a percentage of the**  
48 **corresponding amount normally paid based on the percentage of time**  
49 **worked by the handicapped employee.**

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

58 3. There is hereby created in the state treasury the "Sheltered Workshop  
59 Per Diem Revolving Fund" which shall be administered by the commissioner of  
60 the department of elementary and secondary education. All moneys appropriated  
61 pursuant to subsection 1 of this section shall be deposited in the fund and

62 expended as described in subsection 1 of this section.

63           4. The balance of the sheltered workshop per diem revolving fund shall  
64 not exceed five hundred thousand dollars at the end of each fiscal year and shall  
65 be exempt from the provisions of section 33.080, RSMo, relating to the transfer  
66 of unexpended balances to the general revenue fund. Any unexpended balance  
67 in the sheltered workshop per diem revolving fund at the end of each fiscal year  
68 exceeding five hundred thousand dollars shall be deposited in the general revenue  
69 fund.

✓