

SECOND REGULAR SESSION

HOUSE BILL NO. 2241

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MITTEN.

6514L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 205.968, RSMo, and to enact in lieu thereof one new section relating to county sheltered workshop boards.

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

Section A. Section 205.968, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 205.968, to read as follows:

205.968. 1. As set forth in section 205.971, when a levy is approved by the voters, the governing body of any county or city not within a county of this state shall establish a board of directors. The board of directors shall be a legal entity empowered to establish and/or operate a sheltered workshop as defined in section 178.900, residence facilities, or related services, for the care or employment, or both, of persons with a disability. The facility may operate at one or more locations in the county or city not within a county. Once established, the board may, in its own name engage in and contract for any and all types of services, actions or endeavors, not contrary to the law, necessary to the successful and efficient prosecution and continuation of the business and purposes for which it is created, and may purchase, receive, lease or otherwise acquire, own, hold, improve, use, sell, convey, exchange, transfer, and otherwise dispose of real and personal property, or any interest therein, or other assets wherever situated and may incur liability and may borrow money at rates of interest up to the market rate published by the Missouri division of finance. **Not less than five percent of all expenditures authorized by the board shall be made for services under waiver programs.** The board shall be taken and considered as a "political subdivision" as the term is defined in section 70.600 for the purposes of sections 70.600 to 70.755.

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.

17 2. Services may only be provided for those persons defined as persons with a disability
18 in section 178.900 and those persons defined as persons with a disability in this section whether
19 or not employed at the facility or in the community, and for persons who are disabled due to
20 developmental disability. Persons having substantial functional limitations due to a mental
21 illness as defined in section 630.005 shall not be eligible for services under the provisions of
22 sections 205.968 to 205.972 except that those persons may participate in services under the
23 provisions of sections 205.968 to 205.972. All persons otherwise eligible for facilities or
24 services under this section shall be eligible regardless of their age; except that, individuals
25 employed in sheltered workshops must be at least sixteen years of age. The board may, in its
26 discretion, impose limitations with respect to individuals to be served and services to be
27 provided. Such limitations shall be reasonable in the light of available funds, needs of the
28 persons and community to be served as assessed by the board, and the appropriateness and
29 efficiency of combining services to persons with various types of disabilities.

30 3. For the purposes of sections 205.968 to 205.972, the term

31 (1) "Developmental disability" shall mean either or both paragraph (a) or (b) of this
32 subsection:

33 (a) A disability which is attributable to mental retardation, cerebral palsy, autism,
34 epilepsy, a learning disability related to a brain dysfunction or a similar condition found by
35 comprehensive evaluation to be closely related to such conditions, or to require habilitation
36 similar to that required for mentally retarded persons; and

37 a. Which originated before age eighteen; and

38 b. Which can be expected to continue indefinitely;

39 (b) A developmental disability as defined in section 630.005;

40 (2) "Person with a disability" shall mean a person who is lower range educable or upper
41 range trainable mentally retarded or a person who has a developmental disability.

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