

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 352

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOBBS (Sponsor), HUBBARD, WELLS, McGHEE, FARES, MOORE, THOMSON, SCHAD, BRUNS, RICHARD, RUESTMAN, SELF, WASSON, PEARCE, FLOOK, STEVENSON, LEMBKE, DEMPSEY, ERVIN, JONES (117), QUINN (9), BRANDOM, ROBB, SANDER, MUNZLINGER, DENISON, WRIGHT, THRELKELD, WOOD, FUNDERBURK, FRANZ, QUINN (7), BOWMAN, SCHARNHORST AND ONDER (Co-sponsors).

Read 1st time January 11, 2007 and copies ordered printed.

Read 2nd time January 16, 2007 and referred to the Special Committee on General Laws January 29, 2007.

Reported from the Committee on February 1, 2007 with recommendation that the bill Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules February 6, 2007 with recommendation that the bill Do Pass, with no time limit for debate on Perfection.

Taken up for Perfection February 8, 2007. Bill ordered Perfected and printed, as amended.

D. ADAM CRUMBLISS, Chief Clerk

1007L.02P

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## 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.

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*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Section A. Sections 34.165 and 178.930, RSMo, are repealed and two new sections  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] **ten-point** bonus on bids for products and services manufactured, produced or  
4 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

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.

7 section 178.920, RSMo, **if the participating nonprofit organization provides the greater of**  
8 **two percent or five thousand dollars of the total contract value of bids for purchase not**  
9 **exceeding ten million dollars.**

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

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

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

178.930. 1. (1) Beginning July 1, [1999] **2007**, and [thereafter] **until June 30, 2008**,  
2 the department of elementary and secondary education shall pay monthly, out of the funds  
3 appropriated to it for that purpose, to each sheltered workshop a sum equal to [thirteen dollars  
4 multiplied by the number of six-hour or longer days worked by handicapped workers] **seventy-**  
5 **five dollars for each standard workweek (Monday through Friday) of up to and including**  
6 **thirty hours worked** during the preceding calendar month. **Fifteen dollars shall be paid for**  
7 **each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays.**  
8 For each handicapped worker employed by a sheltered workshop for less than **a thirty-hour**  
9 **week or a six-hour day on Saturdays or Sundays**, the workshop shall receive a percentage of  
10 the [thirteen dollars] **corresponding amount normally paid** based on the percentage of [the  
11 six-hour day] **time** worked by the handicapped employee.

12       (2) **Beginning July 1, 2008, and until June 30, 2009, the department of elementary**  
13 **and secondary education shall pay monthly, out of the funds appropriated to it for that**  
14 **purpose, to each sheltered workshop a sum equal to eighty-five dollars for each standard**  
15 **workweek (Monday through Friday) of up to and including thirty hours worked during**  
16 **the preceding calendar month. Seventeen dollars shall be paid for each six-hour or longer**  
17 **day worked by a handicapped employee on Saturdays or Sundays. For each handicapped**  
18 **worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour**

19 day on Saturdays or Sundays, the workshop shall receive a percentage of the  
20 corresponding amount normally paid based on the percentage of time worked by the  
21 handicapped employee.

22 (3) Beginning July 1, 2009, and until June 30, 2010, the department of elementary  
23 and secondary education shall pay monthly, out of the funds appropriated to it for that  
24 purpose, to each sheltered workshop a sum equal to ninety dollars for each standard  
25 workweek (Monday through Friday) of up to and including thirty hours worked during  
26 the preceding calendar month. Eighteen dollars shall be paid for each six-hour or longer  
27 day worked by a handicapped employee on Saturdays or Sundays. For each handicapped  
28 worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour  
29 day on Saturdays or Sundays, the workshop shall receive a percentage of the  
30 corresponding amount normally paid based on the percentage of time worked by the  
31 handicapped employee.

32 (4) Beginning July 1, 2010, and thereafter, the department of elementary and  
33 secondary education shall pay monthly, out of the funds appropriated to it for that  
34 purpose, to each sheltered workshop a sum equal to ninety-five dollars for each standard  
35 workweek (Monday through Friday) of up to and including thirty hours worked during  
36 the preceding calendar month. Nineteen dollars shall be paid for each six-hour or longer  
37 day worked by a handicapped employee on Saturdays or Sundays. For each handicapped  
38 worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour  
39 day on Saturdays or Sundays, the workshop shall receive a percentage of the  
40 corresponding amount normally paid based on the percentage of time worked by the  
41 handicapped employee.

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

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

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

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

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