

FIRST REGULAR SESSION

HOUSE BILL NO. 1218

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRATTIN.

2218H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 217.570 and 217.575, RSMo, and to enact in lieu thereof two new sections relating to the vocational enterprises program.

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

Section A. Sections 217.570 and 217.575, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 217.570 and 217.575, to read as follows:

217.570. The vocational enterprises program shall serve the state and its political
2 subdivisions use market. The vocational enterprises program shall be authorized to provide
3 goods or services for other states and their political subdivisions whenever their laws permit
4 them to contract with this state. Before entering into any such contract with other states, an
5 executive agreement shall first be signed between the executive authorities of the states. Open
6 market sales may be made [in case of excess inventories and] at prevailing market prices for
7 goods or services of like quality and kind[, if it is considered to be in the best interest of the
8 department]. Agribusiness operations may make open market sales as provided by law for the
9 sale of products.

217.575. 1. **Except as provided in subsection 7 of this section**, all goods **or services**
2 manufactured, [services] provided or [produce of] **produced by** the vocational enterprises
3 program of the state shall, upon the requisition of the proper official, be furnished to the state,
4 to any public institution owned, managed or controlled by the state, or to any private entity that
5 is leasing space to any agency of the state government for use in space leased to the state agency,
6 at such prices as shall be determined as provided in subsection 4 of this section.

7 2. No goods or services so manufactured, provided or produced shall be purchased from
8 any other source for the state or public institutions of the state unless the department shall certify

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.

9 the goods or services included in the requisition cannot be furnished or supplied by the
10 vocational enterprises program within ninety days, or, in the event the same goods or services
11 cannot be procured on the open market within ninety days, that the vocational enterprises
12 program cannot supply them within a reasonable time. No claims for the payment of such goods
13 or services shall be audited or paid without this certificate. One copy each of the requisition or
14 certificate shall be retained by the department.

15 3. The division of purchasing and the division of facilities management, design and
16 construction shall cooperate with the department in seeking to promote for use by state agencies
17 and in state-owned or -occupied facilities the products manufactured and services provided by
18 the vocational enterprises program.

19 4. The vocational enterprises program shall fix and determine the prices at which goods
20 and produce so manufactured and produced and services so provided shall be furnished, and the
21 prices shall be uniform to all. The cost shall not be fixed at more than the market price for like
22 goods and services.

23 5. Any differences between the vocational enterprises program and the state, its
24 departments, divisions, agencies, institutions, or the political subdivisions of the state as to style,
25 design, price or quality of goods shall be submitted to arbitrators whose decision shall be final.
26 One of the arbitrators shall be named by the program, one by the office, department, political
27 subdivision or institution concerned, and one by agreement of the other two. The arbitrators
28 shall receive no compensation; however, their necessary expenses shall be paid by the office,
29 department, political subdivision or institution against which the award is given, or, in the event
30 of a compromise decision, by both parties, the amount to be paid by each party in portions to be
31 determined by the arbitrators.

32 6. The vocational enterprises program may sell office systems and furniture to any
33 department, agency, or institution of the state or any political subdivision of the state either
34 through outright purchase or through payment plan agreement, including handling charges, over
35 a specified number of months contingent on the solvency of the working capital revolving fund.
36 Prior approval shall be required by the division of facilities management, design and construction
37 for state agencies in situations where the office of administration controlled state-owned office
38 space is involved and space in which a lease contract executed by the office of administration
39 is in effect.

40 **7. The vocational enterprises program may sell any goods manufactured or**
41 **produced by the program to the general public at open market sales at such prices as to be**
42 **determined by subsection 4 of this section.**

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