

SECOND REGULAR SESSION

HOUSE BILL NO. 2803

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS (6).

5812H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 161 and 660, RSMo, by adding thereto two new sections relating to purchasing by certain state departments.

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

Section A. Chapters 161 and 660, RSMo, are amended by adding thereto two new sections, to be known as sections 161.1150 and 660.830, to read as follows:

2 **161.1150. 1. Notwithstanding the provisions of 205.565, the department may**
3 **purchase services directly from private and public vendors in this state with funds**
4 **appropriated for such purpose.**

5 **2. Services that may be purchased include prevention, diagnosis, evaluation,**
6 **treatment, habilitation, rehabilitation, transportation and other special services for**
7 **persons affected by mental disorders, mental illness, intellectual disabilities,**
8 **developmental disabilities, or alcohol or drug abuse.**

9 **3. The commissioner of administration, in consultation with the director, shall**
10 **promulgate rules establishing procedures consistent with the usual state purchasing**
11 **procedures under chapter 34 for the purchase of services as provided in this**
12 **section. The commissioner may authorize the department to purchase any technical**
13 **service which, in his or her judgment, can best be purchased directly under chapter**
14 **34. The commissioner shall cooperate with the department to purchase timely services**

15 **4. The commissioner of administration may promulgate rules authorizing the**
16 **department to review, suspend, terminate, or otherwise take remedial measures with**

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 respect to contracts with vendors as described in subsection 1 of this section that fail to
18 comply with the requirements of section 210.906.

19 **5. The commissioner of administration may promulgate rules for a waiver of**
20 **chapter 34 bidding procedures for the purchase of services with funds appropriated for**
21 **that purpose if, in the commissioner's judgment, such services can best be purchased**
22 **directly by the department.**

23 **6. Any entity that contracts with the department for the purpose of disbursing**
24 **funds through partnerships to community programs that provide human services shall**
25 **not collect fees in excess of:**

26 **(1) Five percent if the amount of funds received from the department is under**
27 **one million dollars; or**

28 **(2) Three percent if the amount of funds received from the department is one**
29 **million dollars or more.**

30 **7. The commissioner of administration may promulgate all necessary rules and**
31 **regulations for the administration of this section. Any rule or portion of a rule, as that**
32 **term is defined in section 536.010, that is created under the authority delegated in this**
33 **section shall become effective only if it complies with and is subject to all of the**
34 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
35 **536 are nonseverable and if any of the powers vested with the general assembly**
36 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
37 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
38 **and any rule proposed or adopted after August 28, 2024, shall be invalid and void.**

660.830. 1. Notwithstanding the provisions of 205.565, the department may
2 **purchase services directly from private and public vendors in this state with funds**
3 **appropriated for such purpose.**

4 **2. Services that may be purchased include prevention, diagnosis, evaluation,**
5 **treatment, habilitation, rehabilitation, transportation and other special services for**
6 **persons affected by mental disorders, mental illness, intellectual disabilities,**
7 **developmental disabilities, or alcohol or drug abuse.**

8 **3. The commissioner of administration, in consultation with the director, shall**
9 **promulgate rules establishing procedures consistent with the usual state purchasing**
10 **procedures under chapter 34 for the purchase of services as provided in this section.**
11 **The commissioner may authorize the department to purchase any technical service**
12 **which, in his or her judgment, can best be purchased directly under chapter 34. The**
13 **commissioner shall cooperate with the department to purchase timely services**
14 **appropriate to the needs of individuals and entities served by the department.**

15 **4. The commissioner of administration may promulgate rules authorizing the**
16 **department to review, suspend, terminate, or otherwise take remedial measures with**
17 **respect to contracts with vendors as described in subsection 1 of this section that fail to**
18 **comply with the requirements of section 210.906.**

19 **5. The commissioner of administration may promulgate rules for a waiver of**
20 **chapter 34 bidding procedures for the purchase of services with funds appropriated for**
21 **that purpose if, in the commissioner's judgment, such services can best be purchased**
22 **directly by the department.**

23 **6. Any entity that contracts with the department for the purpose of disbursing**
24 **funds through partnerships to community programs that provide human services shall**
25 **not collect fees in excess of:**

26 **(1) Five percent if the amount of funds received from the department is under**
27 **one million dollars; or**

28 **(2) Three percent if the amount of funds received from the department is one**
29 **million dollars or more.**

30 **7. The commissioner of administration may promulgate all necessary rules and**
31 **regulations for the administration of this section. Any rule or portion of a rule, as that**
32 **term is defined in section 536.010, that is created under the authority delegated in this**
33 **section shall become effective only if it complies with and is subject to all of the**
34 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
35 **536 are nonseverable and if any of the powers vested with the general assembly**
36 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
37 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
38 **and any rule proposed or adopted after August 28, 2024, shall be invalid and void.**

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