

SECOND REGULAR SESSION  
[P E R F E C T E D]  
REVISION

# SENATE BILL NO. 1001

## 90TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WIGGINS.

Read 1st time February 10, 2000, and 1,000 copies ordered printed.

Read 2nd time February 28, 2000, and referred to the Committee on Rules, Joint Rules and Resolutions.

Reported from the Committee March 6, 2000, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 15, 2000. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

4466L.01P

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### AN ACT

To repeal sections 67.401, 70.430, 87.287, 94.576, 191.599, 191.825, 207.090, 231.466, 287.889, 590.116, 620.600, 620.605 and 620.607, RSMo 1994, and sections 21.570, 37.510, 72.424, 105.980, 135.360, 163.029, 207.125, 210.775, 210.776, 217.041, 217.042, 219.089, 301.004, 316.235, 321.509, 348.425, 454.1019, 488.023, 577.053, 617.001, 617.005, 617.015, 617.025, 617.035, 617.045 and 620.126, RSMo Supp. 1999, for the purpose of repealing expired provisions of law and sections with contingent effective dates which never became effective.

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

Section A. Sections 67.401, 70.430, 87.287, 94.576, 191.599, 191.825, 207.090, 231.466, 287.889, 590.116, 620.600, 620.605 and 620.607, RSMo 1994, and sections 21.570, 37.510, 72.424, 105.980, 135.360, 163.029, 207.125, 210.775, 210.776, 217.041, 217.042, 219.089, 301.004, 316.235, 321.509, 348.425, 454.1019, 488.023, 577.053, 617.001, 617.005, 617.015, 617.025, 617.035, 617.045 and 620.126, RSMo Supp. 1999, are repealed as follows:

[21.570. 1. On or before July 1, 1997, or May 30, 1997, whichever later occurs, the

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

senate and the house of representatives shall establish a "Joint Committee on Career and Vocational Education in St. Louis County", composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house of representatives, appointed by the speaker of the house. Not more than three members appointed by the president pro tem and not more than three members appointed by the speaker of the house shall be from the same political party.

2. The committee may meet as necessary and hold hearings and conduct investigations as it deems advisable. The committee shall review and monitor the status of career and vocational education in St. Louis County and make any recommendations the committee deems necessary to the general assembly. The members shall receive no additional compensation, other than reimbursement for their actual and necessary expenses incurred in the performance of their duties. The staff of the committee on legislative research, house research, and senate research shall provide necessary clerical, research, fiscal and legal services to the committee, as the committee may request.

3. This section shall terminate on June 30, 2000.]

EXPLANATION: Section 21.570 expires on June 30, 2000.

[37.510. 1. There is hereby created in the office of administration the "Juvenile Court Personnel Advisory Commission". Such commission shall be appointed by the governor. The membership shall include a member of the house of representatives, a member of the senate, and members representing the courts, the state courts administrator, the department of social services, the office of administration, MOSERS, and the counties. The members of the commission shall not be paid but shall be reimbursed for any necessary expenses associated with their duties.

2. By July 1, 1996, the commission shall present a report to the governor. Such report shall:

(1) Analyze whether creation and funding of a uniform personnel system for the operation of the juvenile courts is needed;

(2) Study whether specific job qualifications for juvenile court personnel are needed;

(3) Examine the rate at which the state reimburses the county for detention costs; and

(4) Study how to aid regionalization of detention centers, if regionalization of centers is needed.

3. This section shall expire July 1, 1996.]

EXPLANATION: Section 37.510 expired on July 1, 1996.

[67.401. Any county of the second classification with a population of at least sixty-three thousand five hundred inhabitants according to the latest decennial census,

and with a total assessed valuation of at least five hundred fifteen million dollars but not more than five hundred twenty-five million dollars may utilize the provisions of sections 67.400 to 67.450. This section shall expire on January 1, 1997.]

EXPLANATION: Section 67.401 expired on January 1, 1997.

[70.430. 1. There is hereby established the "St. Louis Metropolitan Infrastructure and Transportation Study Commission" to be composed of nine members. The members shall consist of one member appointed by the governor, with the advice and consent of the senate, two state senators appointed by the president pro tem of the senate, two state representatives appointed by the speaker of the house of representatives, two members of the board of aldermen of St. Louis City appointed by the mayor and two members of the St. Louis County council appointed by the county executive. Of the members appointed by the president pro tem, speaker, mayor and county executive, one shall be chosen from each of the major political parties.

2. Any vacancy on the commission shall be filled in the same manner as the original appointment.

3. The commission shall have the following duties:

(1) To study the provision, planning and implementation of infrastructure and transportation services in the St. Louis area;

(2) To review the current funding mechanisms for the provision of such infrastructure services and to determine the distribution of funding responsibility between the relevant political subdivisions;

(3) To review the expenses of the providers of such infrastructure and services, including the cost of personnel, and to evaluate ways to increase efficiency in such infrastructure and services provided to the public;

(4) To study the degree of responsiveness to public needs of such infrastructure and services;

(5) To study the current governance of the providers of such infrastructure and services to the public;

(6) To study the impact of such infrastructure and services on the economic development climate in such area; and

(7) To hold public hearings and elicit the views and needs of the community with respect to the areas listed in this subsection.

4. The commission shall report its findings and make recommendations for improvements with respect to the areas listed in subsection 3 of this section. The report shall be made to the governor and the general assembly by December 31, 1996.

5. The commission shall terminate on January 1, 1997.]

EXPLANATION: The commission expired on January 1, 1997.

[72.424. Notwithstanding any other provisions of sections 72.400 to 72.422, any owner of a tract of land of thirty acres or less owned by a single owner and that is located within two or more municipalities, one municipality being a city of the fourth classification with a population between four thousand six hundred and five thousand, and the other municipality being of the third classification with a population between sixteen thousand three hundred and seventeen thousand, and both municipalities located within a county of the first classification having a charter form of government and having a minimum population of nine hundred thousand, may elect which municipality to belong to by agreement of that municipality. Such owner's election shall occur within ninety days of August 28, 1999. Such agreement shall consist of the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the county clerk and to the city clerk and assessor of the contributing municipality before December fifteenth, with such transfer becoming effective the next January first. Such choice of municipalities shall be permanent. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. This section shall only apply to boundary changes effected after January 1, 1990, and occurring by the incorporation of a municipality. This section shall expire and be of no force and effect on March 1, 2000.]

EXPLANATION: Section 72.424 expires on March 1, 2000.

[87.287. 1. Notwithstanding any other law to the contrary, the board of trustees, on or before the first of March of each year, shall certify to the proper city authorities the amount required to fund system benefits for the system's current fiscal year. This amount will be equal to the annual normal cost plus the annual amount that is necessary to amortize the unfunded liability of the system over a period of not more than thirty years, determined as of the first day of the system's current fiscal year by the system's actuary. The amount so certified shall be appropriated, subject to any adjustment made by the provisions of this section, by the city and transferred to the system.

2. For purposes of this section, "annual revenues" shall mean all funds received from members' contributions, city contributions and all investment income received during the system's fiscal year; "annual expenses" shall mean all benefits, administrative costs and refunds paid during the system's fiscal year; "annual surplus" shall mean the excess, if any, of annual revenues over one hundred fifty percent of annual expenses for a system fiscal year.

3. There is hereby created a "Surplus Reserve Fund". This fund shall consist of two subfunds, the "future benefit fund" and the "city credit fund". As of the first day of

each system fiscal year ending after May 25, 1990, there shall be deposited in each of the future benefit fund and the city credit fund fifty percent of the prior year's annual surplus plus, separately for each fund, allocable earnings, based upon the total system investment return for the system's prior fiscal year.

4. The amount in the future benefit fund shall be used to provide future benefits as approved by a majority of the board of trustees in accordance with an appropriate enabling ordinance. No changes in benefits provided from the future benefit fund shall be made unless the amount in the future benefit fund is equal to or greater than the full amount of the present value of the future benefit changes as determined by the system's actuary. When a benefit change is so implemented, the full amount of the present value of the total future benefit changes shall be transferred from the future benefit fund to the general funds of the system to effectuate the full and immediate funding of the benefit changes.

5. As of the first day of any system fiscal year ending after May 25, 1990, fifty percent of the prior system fiscal year's annual surplus shall be transferred from the city credit fund to the general funds of the system to be credited against the city's contribution for the system's current fiscal year.

6. As of the first day of each system fiscal year ending after May 25, 1990, for the purposes of determining the system's normal cost and amount necessary to amortize the unfunded liability, the system's assets shall exclude the prior year annual surplus and any additional amounts in the surplus reserve fund.

7. The last determination of annual surplus will be for the system fiscal year ending prior to January 1, 1994. If any moneys are remaining in the future benefit funds after January 1, 1995, they shall remain in the future benefit fund to be used as outlined in this section until the future benefit fund is depleted.

8. This section shall expire January 1, 1995, unless the United States Internal Revenue Service determines prior to such date that the provisions of this section are in conflict with the tax exempt requirements for public pension plans, in which case this section shall expire upon such determination.]

EXPLANATION: The latest contingent date for the expiration of section 87.287 was January 1, 1995.

[94.576. 1. Notwithstanding any other provisions of law to the contrary, any sales tax authorized under the provisions of section 94.577, submitted to and approved by the voters of any city with a population of more than four thousand inhabitants but less than five thousand inhabitants located solely within a county of the third classification having a population of more than nineteen thousand five hundred inhabitants but less than twenty-one thousand five hundred inhabitants at an election held on any day between

April 1, 1994, and April 15, 1994, inclusive, shall become effective on the first day of the first quarter following the date of receipt by the director of revenue of a copy certified by the city clerk of the ordinance or resolution calling such election for the submission of such tax, reflecting the effective date thereof, and accompanied by a map of the city clearly showing the boundaries thereof and the results of such election. Any administrative cost or expense incurred by the state as a result of this section shall be paid by the city involved.

2. This section shall expire October 1, 1994.]

EXPLANATION: Section 94.576 expired on October 1, 1994.

[105.980. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law, and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 105.980 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

[135.360. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective unless

the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 135.360 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

[163.029. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 163.029 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

[191.599. The scope of the council shall not include abortion, family planning or school-based clinics.]

EXPLANATION: Section A of S.B. 202, L. 1987, contained the expiration date of December 31, 1989.

[191.825. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Health Care Policy and Planning". The joint committee shall be comprised of five members of the house of representatives appointed by the speaker of the house and five members of the senate appointed by the

president pro tempore of the senate. The appointment of each member shall continue during his term of office as a member of the general assembly or until a successor has been duly appointed to fill his place when his term of office as a member of the general assembly has expired. Not more than three members of the senate or three members of the house shall be of the same political party.

2. Members of the joint committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their actual and necessary expenses incurred in the performance of their official duties as members of the joint committee. Such expenses shall be paid from the joint contingency fund. The meetings of the joint committee shall be in Jefferson City.

3. The joint committee shall meet within ten days after its establishment and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. The joint committee shall meet at least quarterly. A majority of the members shall constitute a quorum.

4. The joint committee may, within the limits of its appropriations, employ such persons as it deems necessary to carry out its duties. The compensation of such personnel shall be paid from the joint contingency fund. The joint committee may, within limits of appropriations for that purpose, enter into contracts to provide such professional, legal or technical assistance as may be necessary for it to perform its functions.

5. The duties of the joint committee shall include, but not be limited to:

(1) Monitoring the design and implementation of initiatives enacted by this act to ensure that mechanisms are established to permit effective evaluation of the efficiency and efficacy of those initiatives;

(2) Monitoring the effect of this act and other legislative action upon the delivery of health care services in Missouri. The joint committee shall provide for an independent evaluation of the costs and benefits of the initiatives enacted in this act, using funds designated for that purpose from the health initiatives fund established by section 191.831;

(3) Analyzing and developing policy proposals to improve the delivery of health care services in Missouri;

(4) Making recommendations for administrative or procedural changes in the internal management or organization of the state agencies which provide or regulate the delivery of health care services;

(5) Compiling a report of its activities which shall be submitted to the members of the general assembly and the governor not later than January fifteenth of each year;

(6) Making recommendations to the general assembly for legislative action regarding health care policy and planning;

(7) Developing a health care plan for spending by January 1, 1997, considering



health care expenditures, costs, resources and practices including expansion of public health services and managed care organizations, preferred providers, caps, curbs on malpractice suits, choice of physicians and antitrust relief to enable physicians to negotiate fees with any government board setting budgets.

6. Any state funded agency which provides or regulates health care services shall cooperate with and assist the joint committee in the performance of its duties and shall make available all books, records and information as requested by the joint committee.

7. The joint committee shall have the power to subpoena witnesses, take testimony under oath, compel the attendance of witnesses, the giving of testimony and the production of records.

8. The provisions of this section shall expire on December 31, 1999.]

EXPLANATION: Section 191.825 expired on December 31, 1999.

[207.090. 1. The division of family services of the department of social services shall, in cooperation with the division of aging, develop and establish a pilot project for the employment of persons age fifty-five or older as part-time case workers for the division. The project shall be of a three-year duration and shall be funded by federal funds and state appropriations made for that purpose, not to exceed fifty percent of the total cost of the project, and donations received from private persons, firms, or corporations. The project shall not exceed ten senior citizens at any one time, and no one senior citizen shall be assigned more than ten cases at any one time. The participants shall be compensated for their services in an amount not to exceed five thousand dollars a year each. The pilot project shall be established in each county of the first classification containing the major part of a city with a population of more than three hundred thousand. Annually, the division of family services shall report on the project to the governor and the general assembly.

2. The section shall expire on August 28, 1997.]

EXPLANATION: Section 207.090 expired on August 28, 1997.

[207.125. 1. The general assembly shall establish in the division of family services, the "Missouri Family Services Advisory Council" which shall consist of fifteen citizens to be appointed as follows:

(1) Five members, two of whom shall be members of the house of representatives each of whom shall be a member of a different political party, appointed by the governor from a list submitted by the speaker of the house of representatives;

(2) Five members, two of whom shall be members of the senate each of whom shall be a member of a different political party, appointed by the governor from a list submitted by the president pro tempore of the senate;

(3) Five members appointed by the governor who either participate in, or represent

persons who participate in, any of the division of family services' programs.

2. The council shall organize by electing one member as chairperson and another as vice chairperson. The council shall meet no fewer than four times per calendar year in Jefferson City, at the call of the chairman, in facilities made available by the division of family services. The council members shall be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.

3. The council shall advise and counsel the division of family services on the rules, regulations and policy issues of the division and their effect on families. In addition, the council shall oversee the implementation and assess the success or failure of pilot projects which are chosen by the director of the division of family services for review by the council. The council shall report to the governor, the speaker of the house of representatives and the president pro tempore of the senate the results of the council's study of each pilot project reviewed by the council. Such report shall include the council's recommendation as to whether the pilot project should be expanded.

4. The council shall also serve in an ombudsman capacity by hearing complaints of citizens affected by the decisions and actions of the division regarding out-of-home placements of children in the custody of the division of family services and in-home services provided by the division of family services to families and children resulting from reports of child abuse and neglect which are received by the division. The council shall hire two employees to act as an ombudsman and secretary, whose salaries shall be paid from state appropriations made for that purpose from the division of family services budget. The ombudsman and secretary shall report to the advisory council quarterly on the number and nature of complaints and the manner in which they were resolved. The advisory council shall report annually, by January fifteenth, to the director of the division of family services and the children's services commission regarding the number, the nature and the disposition of complaints referred to the ombudsman.

5. The provisions of this section shall expire July 1, 1998.]

EXPLANATION: Section 207.125 expired on July 1, 1998.

[210.775. 1. There is hereby created the "Missouri Foster and Group Home Placement Task Force". The task force shall consist of the following members:

- (1) The director of the department of mental health, or the designee of the director;
- (2) The director of the division of mental retardation and developmental disabilities, or the designee of the director;
- (3) The director of the division of comprehensive psychiatric services, or the designee of the director;
- (4) The director of the department of social services, or the designee of the director;
- (5) The director of the division of family services, or the designee of the director;

(6) The director of the division of youth services, or the designee of the director;  
(7) The commissioner of the department of elementary and secondary education, or the designee of the commissioner;

(8) An elementary school administrator and an elementary school special education teacher, appointed by the governor;

(9) A secondary school administrator and a secondary school special education teacher, appointed by the governor;

(10) Four foster parents, one of whom shall be from a noncharter county of the first classification containing a population in excess of two hundred thousand and one of whom shall be from that portion of a metropolitan statistical area, as defined by the federal Office of Management and Budget or its successor agency, within the boundaries of Missouri with a population of at least one million nine hundred thousand inhabitants and two administrators of a residential care facility for children, appointed by the governor;

(11) A member of the judiciary, who currently serves as a family court judge, appointed by the chief justice of the supreme court.

2. Members of the task force who are appointed by the governor shall be appointed with the advice and consent of the senate. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.

3. The division of family services shall convene, organize and provide support services for the Missouri foster and group home placement task force.]

EXPLANATION: Section 210.775 expired January 1, 1998, pursuant to the provisions of subsection 2 of section 210.776.

[210.776. 1. The task force shall conduct a study of the current status of foster home and residential care facility placement of children in this state. At the completion of the study, the task force shall submit a report of the findings of the study and recommendations for changes to the governor, the speaker of the house of representatives and the president pro tem of the senate. The study shall establish baseline data and make recommendations regarding at least the following:

(1) The number of children's residential care facilities and foster homes and the actual and licensed capacities of such facilities in each school district in relation to the population of the school district;

(2) The training and qualifications of foster parents and personnel in residential care facilities;

(3) The amount paid to each foster home or residential care facility and the amount paid for each child and options to reimburse school districts for additional educational

services provided to children placed in such homes or facilities;

(4) The proximity of children in homes or facilities to schools providing special education services and transportation costs to the schools;

(5) The administrative process whereby a child is moved from one out-of-home placement to another;

(6) The processing, updating and handling of children's records as children are transferred;

(7) The availability of social workers or case managers to aid school districts which have a disproportionate share of children with special needs who are placed in the district by a state agency;

(8) The visitation and accountability of social workers or case managers assigned to children in foster homes or residential care facilities;

(9) The agencies responsible for children's placement issues and options for coordination and consolidation;

(10) The number and location of satellite homes associated with facilities;

(11) The safety procedures needed regarding the notification of law enforcement and fire departments of the location and special needs of residents.

2. Sections 210.775 and 210.776 shall expire on January 1, 1998.]

EXPLANATION: Section 210.776 expired on January 1, 1998.

[217.041. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 217.041 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was

signed into law on June 27, 1997.

[217.042. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency, as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act, is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall not take effect if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.

6. The provisions of this section shall not apply to any rules promulgated pursuant to chapter 595, RSMo.]

EXPLANATION: Section 217.042 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

[219.089. 1. There may be established a pilot program for boys between the ages of seven to seventeen which creates two residential group homes for children by contract with the division of youth services. One youth home will serve children from the St. Louis metropolitan area while the other youth home will serve children from the Kansas City metropolitan area. The goal of each youth home will be to provide children and families at risk with therapy, training and education to promote the self-sufficiency of the children and to reunite them with relatives or place them into foster care.

2. The following children may be referred to these youth homes:

(1) Children legally placed in the department of social services or one of its divisions following an adjudication under subdivision (2) or (3) of subsection 1 of section 211.031, RSMo;

(2) Children referred by the director of the division of youth services pursuant to section 219.016;

(3) Children referred by a public school, with the consent of the children's parents or legal guardian; and

(4) Children whose parents or legal guardian have referred them.

3. The local director of the youth home will interview each prospective resident to determine the appropriateness of placing him in that youth home.

4. Each youth home will be located in an area with limited access to the community from which the child is referred. Each home will have a capacity for fifty children.

5. This section shall expire on August 28, 2000.]

EXPLANATION: Section 219.089 expires on August 28, 2000.

[231.466. 1. The general assembly may appropriate moneys from the general revenue fund or the third state building fund for the partial maintenance of asphalt or concrete surfaced roads, and nonhard-surfaced roads constructed by the United States Army Corps of Engineers in connection with the construction of a lake if, upon the completion of the construction of such lake, such roads are transferred to the county in which the roads are located. Such moneys shall be transferred to the transportation department and distributed by the transportation department to counties which make application to the department and which contain roads that meet the qualifications of this section. Any moneys distributed to a county under this section shall be used solely for the maintenance of such roads. Any moneys appropriated pursuant to this section which are not distributed to the counties shall be subject to the provisions of section 33.080, RSMo.

2. The funds distributed to any county under this section shall not exceed five thousand dollars per mile for up to ten miles of asphalt or concrete surfaced roads, and nonhard-surfaced roads for any one county in any fiscal year. In addition to the limitation set forth in this subsection, funds may only be distributed to maintain such roads until the valuation of the real property of the counties affected increases by ten million dollars following May 30, 1990.]

EXPLANATION: Section 231.466 expired on January 1, 1995, pursuant to the provisions of Section A of S.B. 479 & 649, L. 1990.

[287.889. 1. The president pro tem of the senate and the speaker of the house of representatives shall appoint a "Workers' Compensation Labor/Employer Advisory Committee", composed of ten members. Five members shall represent the interests of workers subject to the provisions of this chapter, and five members shall represent employers subject to the provisions of this chapter. Of the five members representing employers, one shall represent a statewide business association whose members are composed primarily of businesses that do not fall under the definition of small business of the federal small business administration, one shall represent a statewide business association whose members are composed primarily of businesses that fall under the definition of small business of the federal small business administration, one shall represent the interests of political subdivision employers, one shall represent construction

industry employers and one shall represent a statewide association of self-insured employers. All members shall serve four-year terms except that of the initial appointments made after August 28, 1993, two shall be appointed for a term of four years, two shall be appointed for a term of three years, three shall be appointed for a term of two years and three shall be appointed for a term of one year. All members shall be eligible for reappointment. All members shall have an interest in and a working knowledge of workers' compensation. No more than six members shall belong to the same political party. At the first meeting of the committee the members shall select from among themselves a chairman and a vice chairman. The chairman and vice chairman shall be selected annually and shall not represent the same interest nor be of the same political party.

2. The committee shall examine the workers' compensation system in Missouri, shall provide oversight of and advice on that system for the general assembly and the division and shall assume any other responsibilities relating to workers' compensation given to it by the general assembly. The committee shall consider the following objectives when making such examination:

(1) To provide workers with adequate and guaranteed benefits, delivered efficiently, promptly, and at reasonable rates of reimbursement, and to assure that those injured on the job receive immediate and necessary medical attention;

(2) To ensure employers of relatively stable, fair, and predictable costs that can confidently be factored into overall costs of products or services;

(3) To encourage cost-effective safety programs that assist employers in making the workplace as safe as possible;

(4) To provide appropriate medical and vocational rehabilitation programs to help speed the injured employee's return to work; and

(5) To operate under effective checks and balances, supervised by the state, to assure the program is meeting its goals.

3. The committee shall examine the current practices in Missouri and other jurisdictions on ways to improve the administration of workers' compensation claims within the division of workers' compensation. The committee shall accomplish this goal through personal interviews, on-site visits, public hearings, taking testimony, researching, and drafting a report to be delivered to the general assembly. Funding of the committee shall be paid out of the workers' compensation fund.

4. The committee shall have the right to inspect and review necessary claim information and injury statistics to develop a pattern of claims administration. The committee shall not have the right to investigate any pattern of decisions by the administrative law judges or legal advisors.

5. The committee shall periodically report its findings to the governor and the general assembly regarding the ability of the workers' compensation system to meet its goals, and any reforms the committee deems necessary to achieve them.

6. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

7. This section shall expire August 27, 1996.]

EXPLANATION: Section 287.889 expired on August 27, 1996.

[301.004. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to July 1, 1997.]

EXPLANATION: Section 301.004 expired June 27, 1997. The contingency

for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

[316.235. 1. In any action challenging any rule promulgated pursuant to the provisions of sections 316.200 to 316.237, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law, and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.



4. Any rulemaking authority granted pursuant to the provisions of sections 316.200 to 316.237 is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 316.235 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

[321.509. 1. If an initiative or referendum petition is presented to the secretary of the board of directors in any fire protection district which has an assessed valuation of more than nine hundred ninety million dollars but less than one billion dollars and in which is located a third class city with a population as of the most recent decennial census of at least forty-one thousand but not more than forty-five thousand inhabitants, which is located within a county of the first classification with a population in excess of nine hundred thousand inhabitants, and which petition carries the names of voters of the district, equal in number to at least twenty-five percent of the number of voters who voted in the most recent fire district election, the board of directors shall submit the question pursuant to the order or demand of the petition.

2. In any fire protection district specified in subsection 1 of this section, upon the filing with the circuit court having jurisdiction over the fire protection district an emergency petition signed by one hundred voters of the district, the circuit court may stay any action of the district contained in the petition. A copy of the petition shall be delivered to the fire protection board upon filing with the court. The petition shall set forth all relevant facts pertaining to the emergency status of the petition, set forth reasons why the petition is an emergency in that the public health and safety of the district is at risk, request the court to stay the actions contained in the petition, and request the court to set a time for the gathering of signatures pursuant to subsection 1 of this section. The court may hold hearings on the petition, and if the court finds that the petition does state an emergency, the court shall stay the actions contained in the petition. The court shall place the petition at the top of the docket, and rule on the merits of the petition in an expeditious manner.

3. The measure called for in the petition is adopted if it receives an affirmative majority vote of the voters voting at the district election.

4. This section shall expire on May 1, 1997.]

EXPLANATION: Section 321.509 expired on May 1, 1997.

[348.425. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such

rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 348.425 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

[454.1019. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency, as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, authorized by law, not in conflict with any law, and not arbitrary or capricious.

2. The court shall award reasonable fees and expenses, as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective, unless the general assembly extends the rule or set of rules by statute beyond such date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to July 1, 1997.]

EXPLANATION: Section 454.1019 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

[488.023. 1. Until the effective date of the rule provided by section 488.018, the

fees collected by clerks in all divisions of the circuit courts other than the municipal courts, pursuant to subdivisions (7), (9), (10), (11), (12), (13), (14), (16), (17), (18), (19), (20), and subdivision (6) except the twelve dollar fee referenced therein, of subsection 3 of section 488.012, shall be paid over by the clerk collecting any such fee within thirty days of the date of the collection of such fee, as follows:

(1) Eighty percent of such fees shall be paid to the director of revenue, to be deposited to the general revenue fund;

(2) Twenty percent of such fees shall be paid into the county treasury, or in the case of the city of St. Louis, into the city treasury.

2. This section shall expire and be of no force and effect on and after July 1, 2000.]

EXPLANATION: Section 488.023 expires on July 1, 2000.

[577.053. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 577.053 expired June 27, 1997. The contingency

for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

[590.116. 1. Within one year from the date of probationary appointment, the chief executive officer of a law enforcement agency shall furnish to the director evidence that the noncertified officer satisfactorily completed instruction in a course of training for peace officers in a certified training academy or is currently enrolled in a certified training program to be completed with the first year of employment.

2. This section shall expire on August 28, 1995.]

EXPLANATION: Section 590.116 expired on August 28, 1995.

[617.001. 1. There is hereby created and established a department of state government to be known as the "Department of Aging". The department of aging shall be charged with the execution of all duties and responsibilities vested in the division of aging prior to the effective date of this act.

2. The department shall be governed by the provisions of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, unless otherwise provided in sections 617.001 to 617.009. The division of aging of the department of social services, chapter 660, RSMo, is hereby transferred to the department of aging by a type I transfer. The department shall be authorized to employ all other necessary support personnel currently provided by the department of social services to the division of aging, including, but not limited to, data processing personnel, budget and finance personnel, general services personnel and legal services personnel. All employees of the department of aging shall be selected by and retain rights accrued under chapter 36, RSMo. All terms and conditions of employment in and employees of the division of aging shall be applicable to employment in and employees of the department of aging. Appropriations for the department of aging shall be determined in the same appropriations bill as the department of social services.]

EXPLANATION: Contingent effective date of section 617.001 was July first next following the adoption of a constitutional amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not adopted by the voters on November 5, 1996.

[617.005. The following terms, whenever used in chapter 617 mean:

(1) "Department of aging", the state agency primarily charged with administering and coordinating programs relating to older persons;

(2) "Division of family services", the division within the department of social services primarily charged with determining eligibility for state or federally funded medical assistance;

(3) "Division of medical services", the division within the department of social services primarily charged with determining coverage and payment for state or federally funded medical assistance;

(4) "Older person", individuals sixty years of age or older.]

EXPLANATION: Contingent effective date of section 617.005 was July first next following the adoption of a constitutional amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not

otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not adopted by the voters on November 5, 1996.

[617.015. 1. The director of the department of aging shall be appointed by the governor by and with the advice and consent of the senate. The director shall serve at the pleasure of the governor and the director's salary shall not exceed appropriations made for that purpose.

2. The director shall be a person of recognized character, integrity and executive ability and have such education, training, proven executive ability and experience necessary for the successful performance of official duties. The director shall have experience in dealing with the issues facing Missouri's aging population.]

EXPLANATION: Contingent effective date of section 617.015 was July first next following the adoption of a constitutional

amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not adopted by the voters on November 5, 1996.

[617.025. 1. The department of aging may adopt, appeal and amend rules necessary to carry out the duties assigned to it. All rules shall be promulgated pursuant to the provisions of this section and chapter 536, RSMo.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

EXPLANATION: Contingent effective date of section 617.025 was July first next following the adoption of a constitutional

amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not adopted by the voters on November 5, 1996.

[617.035. The director shall appoint and employ such clerks and clerical and other help which are necessary for the proper dispatch of the business of the department of aging. However, the total number of employees of the department of aging shall not exceed seven hundred and twenty-five full-time equivalents. Personnel employed in any state department and whose duties involve the provision of aging-related services or programs may be transferred to the department of aging, and shall be appropriate additions to the

staff number limit of seven hundred and twenty-five full-time equivalents. Full-time equivalents approved by appropriation by the eighty-eighth general assembly, second regular session, and full-time equivalents approved by fiscal notes issued for any legislation related to the functions, duties or activities of the division of aging and approved by the eighty-eighth general assembly, second regular session, are appropriate additions to the staff number limit of seven hundred and twenty-five full-time equivalents. Personnel employed in any state department and whose duties involve the provision of aging-related services or programs may be accessed by the department of aging to assist the department in providing services and programs through a unified service delivery system.]

EXPLANATION: Contingent effective date of section 617.035 was July first next following the adoption of a constitutional amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not adopted by the voters on November 5, 1996.

[617.045. 1. The department of aging, the department of social services, the department of health, and the department of mental health shall develop a unified service delivery system which includes but is not limited to a single application form to be used by these same state departments for programs meeting older persons' medical and health needs.

2. The application form and any subsequent unified service delivery mechanism shall be used by the department of aging, the department of social services, the department of health and the department of mental health in order to provide a single point of entry for serving the medical and health needs of older persons.

3. The department of aging, the department of social services, the department of health, the department of mental health, the division of family services and the division of medical services shall develop agreements and protocols for sharing application forms and information, and for ensuring the timely processing of all applications by the appropriate agency.]

EXPLANATION: Contingent effective date of section 617.045 was July first next following the adoption of a constitutional amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not

adopted by the voters on November 5, 1996.

[620.126. 1. Any rule or portion of a rule promulgated pursuant to this act shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, RSMo, if applicable, after August 28, 1997. All rulemaking authority delegated prior to August 28, 1997, is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

2. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

3. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

4. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

5. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

6. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 620.126 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

[620.600. Sections 620.600 to 620.607 shall be known and may be cited as the "Economic Development Policy and Planning Act of 1990".]

EXPLANATION: Section 620.600 expired on July 1, 1995, pursuant to the provisions of Section C of H.B. 1564, L. 1990.

[620.605. 1. Development programs enacted by the general assembly, to be overseen by the department of economic development, shall be administered in the following order of priority:

(1) Assist existing businesses and employers to ensure their continued existence

and maintain the level of existing jobs;

- (2) Assist existing businesses and employers in job creation and expansion;
- (3) Provide assistance to Missouri communities in attracting new employers;
- (4) Foster the development of new businesses in the state of Missouri;
- (5) Assist existing businesses and encourage new businesses which promote

resource recovery, waste minimization and recycling; and

(6) Assist existing minority businesses to ensure their continued existence and encourage new minority business in job creation and expansion.

2. In determining whether or not a proposed economic development project shall be assisted by the department of economic development or the Missouri industrial development board, or its successor entity, the department and the board shall consider the following factors:

(1) The ratio of state dollars needed for a project to the number of jobs created or saved;

(2) The ratio of the capital investment of a business to the amount of state money requested by the borrower;

(3) The potential of the business to export goods and services outside the state in order to increase the overall wealth of the state;

(4) The ratio of economic benefits to public costs;

(5) The ratio of state dollars to private dollars invested in the project;

(6) The likelihood of the project to contribute to the growth of existing businesses in the state or to encourage the development of new businesses in the state;

(7) The protection of the state's fiscal interests;

(8) The extent to which the project builds on existing strengths and resources;

(9) The potential impact of the project on the state's natural resources;

(10) The potential negative economic impact on other Missouri businesses which do not receive such assistance;

(11) The likelihood that a project may proceed without such assistance; and

(12) The potential impact of the project on the revenues of local governments and other political subdivisions where such project will be located.]

EXPLANATION: Section 620.605 expired on July 1, 1995, pursuant to the provisions of Section C of H.B. 1564, L. 1990.

[620.607. 1. Beginning in January of 1991, the department of economic development shall annually report to the governor, the president pro tem of the senate, and the speaker of the house of representatives, and to all members of the general assembly regarding each economic development program's activities during the preceding calendar year. The report of the department shall be delivered no later than March of each



year. Each report shall contain, but not be limited to, the following information:

(1) The effectiveness of the national and international business section in securing business locations in Missouri and the number of jobs created for each location;

(2) The results of department of economic development impact trips and the progress made by the department's foreign offices;

(3) Data relating to clients and graduates of each innovation center;

(4) Data relating to centers for advanced technology;

(5) Economic activity of new and expanding businesses in each of the state's enterprise zones, the number of new jobs created in each, and the amount of tax credits granted in each;

(6) Projects authorized under the higher education applied projects program;

(7) The number of loans, loan guaranties, grants, and bonds authorized or issued by the Missouri economic development export and infrastructure board, or its successor entity, the amount of each, and a projection of the number of jobs created by each;

(8) Data relating to the activities of the small and existing business development unit;

(9) The recipients and the amount of grants awarded as a result of economic development grants and the annual competition under the community development block grant program;

(10) Tax credits awarded and a description of projects authorized by the neighborhood assistance program;

(11) Data relating to the Missouri main street program;

(12) Data relating to activities of the office of rural development, including the recipients and amounts of grants-in-aid awarded under the rural communities economic development assistance program;

(13) Data relating to the activities of the Missouri export development office, including data relating to the operation of the computerized marketing center;

(14) Information and data relating to the activities of the small business office and the office of minority business assistance, including the number of minority businesses assisted by those offices and summaries of concerns expressed by minority businesses regarding doing business in Missouri; and

(15) Data regarding the number of minority businesses assisted by department of economic development programs, including the recipients and amounts of grants-in-aid awarded.

2. Beginning in 1991, the department of economic development shall annually produce and distribute a forecast of the Missouri economy for the following year. The forecast shall measure the anticipated strengths and weaknesses of the economy and gauge

where the department should place its primary emphasis upon stimulating job creation within the state.]

EXPLANATION: Section 620.607 expired on July 1, 1995, pursuant to the provisions of Section C of H.B. 1564, L. 1990.

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