

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1516**  
95TH GENERAL ASSEMBLY

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Reported from the Committee on General Laws, April 28, 2010, with recommendation that the Senate Committee Substitute do pass.

4090S.03C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 21.840, 57.080, 57.130, 71.970, 99.799, 143.171, 165.016, 165.018, 174.020, 192.632, 197.305, 197.318, 197.366, 208.344, 208.978, 211.013, 217.860, 307.367, 329.028, 374.208, 376.990, and 620.515, RSMo, and to enact in lieu thereof eight new sections for the sole purpose of repealing expired, sunset, terminated, or ineffective provisions of law.

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

Section A. Sections 21.840, 57.080, 57.130, 71.970, 99.799, 143.171, 165.016, 165.018, 174.020, 192.632, 197.305, 197.318, 197.366, 208.344, 208.978, 211.013, 217.860, 307.367, 329.028, 374.208, 376.990, and 620.515, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 57.080, 143.171, 174.020, 197.305, 197.318, 197.366, 329.028, and 620.515, to read as follows:

57.080. [1.] Whenever from any cause the office of sheriff becomes vacant, the same shall be filled by the county commission; if such vacancy happens more than nine months prior to the time of holding a general election, such county commission shall immediately order a special election to fill the same, and the person by it appointed shall hold said office until the person chosen at such election shall be duly qualified; otherwise the person appointed by such county commission shall hold office until the person chosen at such general election shall be duly qualified; but while such vacancy continues, any writ or process directed to the said sheriff and in such sheriff's hands at the time such vacancy occurs, remaining unexecuted, and any writ or process issued after such vacancy, may be

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

11 served by any person selected by the plaintiff, the plaintiff's agent or attorney,  
12 at the risk of such plaintiff; and the clerk of any court out of which such writ or  
13 process shall issue shall endorse on such writ or process the authority to such  
14 person to execute and return the same, and shall state on such endorsement that  
15 the authority thus given is "at the request and risk of the plaintiff", and the  
16 person so named in said writ or process may proceed to execute and return said  
17 process, as sheriffs are by the law required to do. Such election shall be held on  
18 or before the tenth Tuesday after the vacancy occurs. Upon the occurrence of  
19 such vacancy, it shall be the duty of the presiding commissioner of the county  
20 commission, if such commission be not then in session, to call a special term  
21 thereof, and cause said election to be held.

22 [2. Notwithstanding the provisions of this section to the contrary, if a  
23 vacancy occurs in the office of the sheriff in any county of the first classification  
24 with more than seventy-one thousand three hundred but fewer than seventy-one  
25 thousand four hundred inhabitants, the election to fill such vacancy shall be held  
26 on the general municipal election day as provided for in section 115.121,  
27 RSMo. The provisions of this subsection shall expire on June 1, 2005.]

28 EXPLANATION: Subsection 2 of this section expired 06-01-05.

143.171. 1. [For all tax years beginning before January 1, 1994, for an  
2 individual taxpayer and for all tax years beginning before September 1, 1993, for  
3 a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal  
4 income tax liability under chapter 1 of the Internal Revenue Code for the same  
5 taxable year for which the Missouri return is being filed after reduction for all  
6 credits thereon, except the credit for payments of federal estimated tax, the credit  
7 for the overpayment of any federal tax, and the credits allowed by the Internal  
8 Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign  
9 country and United States possessions), and section 34 (tax on certain uses of  
10 gasoline, special fuels, and lubricating oils).

11 2.] For all tax years beginning on or after January 1, 1994, an individual  
12 taxpayer shall be allowed a deduction for his federal income tax liability under  
13 chapter 1 of the Internal Revenue Code for the same taxable year for which the  
14 Missouri return is being filed, not to exceed five thousand dollars on a single  
15 taxpayer's return or ten thousand dollars on a combined return, after reduction  
16 for all credits thereon, except the credit for payments of federal estimated tax, the  
17 credit for the overpayment of any federal tax, and the credits allowed by the  
18 Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of

19 foreign country and United States possessions), and section 34 (tax on certain  
20 uses of gasoline, special fuels, and lubricating oils).

21 [3.] 2. For all tax years beginning on or after September 1, 1993, a  
22 corporate taxpayer shall be allowed a deduction for fifty percent of its federal  
23 income tax liability under chapter 1 of the Internal Revenue Code for the same  
24 taxable year for which the Missouri return is being filed after reduction for all  
25 credits thereon, except the credit for payments of federal estimated tax, the credit  
26 for the overpayment of any federal tax, and the credits allowed by the Internal  
27 Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign  
28 country and United States possessions), and section 34 (tax on certain uses of  
29 gasoline, special fuels and lubricating oils).

30 [4.] 3. If a federal income tax liability for a tax year prior to the  
31 applicability of sections 143.011 to 143.996 for which he was not previously  
32 entitled to a Missouri deduction is later paid or accrued, he may deduct the  
33 federal tax in the later year to the extent it would have been deductible if paid  
34 or accrued in the prior year.

35 EXPLANATION: Subsection 1 of this section applies only to tax years prior to  
36 1994.

174.020. 1. Except as provided in subsection 5 of this section, state  
2 institutions of higher education governed by sections 174.020 to 174.500 shall be  
3 named and known as follows: the institution at Warrensburg, Johnson County,  
4 shall hereafter be known as the "Central Missouri State University"; the  
5 institution at Cape Girardeau, Cape Girardeau County, shall hereafter be known  
6 as the "Southeast Missouri State University"; the institution at Springfield,  
7 Greene County, shall hereafter be known as the "Missouri State University"; the  
8 institution at Maryville, Nodaway County, shall hereafter be known as the  
9 "Northwest Missouri State University"; the institution at St. Joseph, Buchanan  
10 County, shall hereafter be known as the "Missouri Western State University"; the  
11 institution at Joplin, Jasper County, shall hereafter be known as the "Missouri  
12 Southern State University"; and the college in the city of St. Louis shall be known  
13 as "Harris-Stowe State University".

14 2. References in the statutes in this state to such institutions whether  
15 denominated colleges or universities in such statutes or whether said institutions  
16 are renamed in subsection 1 of this section shall continue to apply to the  
17 applicable institution.

18 3. Any costs incurred with respect to modifications of the names of the

19 state colleges and universities specified in subsection 1 of this section shall not  
20 be paid from state funds.

21 4. When the conditions set forth in section 178.631, RSMo, are met, the  
22 technical college located in Osage County, commonly known as the East Campus  
23 of Linn Technical College, shall be known as "Linn State Technical College".

24 [5. The board of governors of the institution at Warrensburg, Johnson  
25 County, may alter the name of such institution to "The University of Central  
26 Missouri" upon the approval of at least four voting members of the board. Upon  
27 such a vote, the board shall provide written notice to the revisor of statutes  
28 affirming that the board has approved the alteration. From the date the revisor  
29 receives the notice, the institution at Warrensburg, Johnson County, shall be  
30 named and known as "The University of Central Missouri". The provisions of this  
31 subsection shall expire on August 28, 2007.]

32 EXPLANATION: Subsection 5 of this section expired on August 28, 2007.

197.305. As used in sections 197.300 to 197.366, the following terms  
2 mean:

3 (1) "Affected persons", the person proposing the development of a new  
4 institutional health service, the public to be served, and health care facilities  
5 within the service area in which the proposed new health care service is to be  
6 developed;

7 (2) "Agency", the certificate of need program of the Missouri department  
8 of health and senior services;

9 (3) "Capital expenditure", an expenditure by or on behalf of a health care  
10 facility which, under generally accepted accounting principles, is not properly  
11 chargeable as an expense of operation and maintenance;

12 (4) "Certificate of need", a written certificate issued by the committee  
13 setting forth the committee's affirmative finding that a proposed project  
14 sufficiently satisfies the criteria prescribed for such projects by sections 197.300  
15 to 197.366;

16 (5) "Develop", to undertake those activities which on their completion will  
17 result in the offering of a new institutional health service or the incurring of a  
18 financial obligation in relation to the offering of such a service;

19 (6) "Expenditure minimum" shall mean:

20 (a) For beds in existing or proposed health care facilities licensed  
21 pursuant to chapter 198, RSMo, and long-term care beds in a hospital as  
22 described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred

23 thousand dollars in the case of capital expenditures, or four hundred thousand  
24 dollars in the case of major medical equipment, provided, however, that prior to  
25 January 1, 2003, the expenditure minimum for beds in such a facility and  
26 long-term care beds in a hospital described in section 198.012, RSMo, shall be  
27 zero, subject to the provisions of subsection 7 of section 197.318;

28 (b) For beds or equipment in a long-term care hospital meeting the  
29 requirements described in 42 CFR, Section 412.23(e), the expenditure minimum  
30 shall be zero; and

31 (c) For health care facilities, new institutional health services or beds not  
32 described in paragraph (a) or (b) of this subdivision one million dollars in the case  
33 of capital expenditures, excluding major medical equipment, and one million  
34 dollars in the case of medical equipment;

35 (7) ["Health care facilities", hospitals, health maintenance organizations,  
36 tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled  
37 nursing facilities, residential care facilities and assisted living facilities, kidney  
38 disease treatment centers, including freestanding hemodialysis units, diagnostic  
39 imaging centers, radiation therapy centers and ambulatory surgical facilities, but  
40 excluding the private offices of physicians, dentists and other practitioners of the  
41 healing arts, and Christian Science sanatoriums, also known as Christian Science  
42 Nursing facilities listed and certified by the Commission for Accreditation of  
43 Christian Science Nursing Organization/Facilities, Inc., and facilities of  
44 not-for-profit corporations in existence on October 1, 1980, subject either to the  
45 provisions and regulations of Section 302 of the Labor-Management Relations Act,  
46 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C.  
47 401-538, and any residential care facility or assisted living facility operated by  
48 a religious organization qualified pursuant to Section 501(c)(3) of the federal  
49 Internal Revenue Code, as amended, which does not require the expenditure of  
50 public funds for purchase or operation, with a total licensed bed capacity of one  
51 hundred beds or fewer;

52 (8) "Health service area", a geographic region appropriate for the effective  
53 planning and development of health services, determined on the basis of factors  
54 including population and the availability of resources, consisting of a population  
55 of not less than five hundred thousand or more than three million;

56 (9) "Major medical equipment", medical equipment used for the  
57 provision of medical and other health services;

58 (10) "New institutional health service":

59 (a) The development of a new health care facility costing in excess of the  
60 applicable expenditure minimum;

61 (b) The acquisition, including acquisition by lease, of any health care  
62 facility, or major medical equipment costing in excess of the expenditure  
63 minimum;

64 (c) Any capital expenditure by or on behalf of a health care facility in  
65 excess of the expenditure minimum;

66 (d) Predevelopment activities as defined in subdivision (13) hereof costing  
67 in excess of one hundred fifty thousand dollars;

68 (e) Any change in licensed bed capacity of a health care facility which  
69 increases the total number of beds by more than ten or more than ten percent of  
70 total bed capacity, whichever is less, over a two-year period;

71 (f) Health services, excluding home health services, which are offered in  
72 a health care facility and which were not offered on a regular basis in such health  
73 care facility within the twelve-month period prior to the time such services would  
74 be offered;

75 (g) A reallocation by an existing health care facility of licensed beds  
76 among major types of service or reallocation of licensed beds from one physical  
77 facility or site to another by more than ten beds or more than ten percent of total  
78 licensed bed capacity, whichever is less, over a two-year period;

79 **[(11)] (10)** "Nonsubstantive projects", projects which do not involve the  
80 addition, replacement, modernization or conversion of beds or the provision of a  
81 new health service but which include a capital expenditure which exceeds the  
82 expenditure minimum and are due to an act of God or a normal consequence of  
83 maintaining health care services, facility or equipment;

84 **[(12)] (11)** "Person", any individual, trust, estate, partnership,  
85 corporation, including associations and joint stock companies, state or political  
86 subdivision or instrumentality thereof, including a municipal corporation;

87 **[(13)] (12)** "Predevelopment activities", expenditures for architectural  
88 designs, plans, working drawings and specifications, and any arrangement or  
89 commitment made for financing; but excluding submission of an application for  
90 a certificate of need.

91 EXPLANATION: The definition in subdivision (7) of this section is superseded  
92 by the definition of "health care facilities" in section 197.366 which became  
93 applicable after 12-31-01.

197.318. 1. The provisions of section 197.317 shall not apply to a

2 residential care facility, assisted living facility, intermediate care facility or  
3 skilled nursing facility only where the department of social services has first  
4 determined that there presently exists a need for additional beds of that  
5 classification because the average occupancy of all licensed and available  
6 residential care facility, assisted living facility, intermediate care facility and  
7 skilled nursing facility beds exceeds ninety percent for at least four consecutive  
8 calendar quarters, in a particular county, and within a fifteen-mile radius of the  
9 proposed facility, and the facility otherwise appears to qualify for a certificate of  
10 need. The department's certification that there is no need for additional beds  
11 shall serve as the final determination and decision of the committee. In  
12 determining ninety percent occupancy, residential care facility and assisted living  
13 facility shall be one separate classification and intermediate care and skilled  
14 nursing facilities are another separate classification.

15       2. The Missouri health facilities review committee may, for any facility  
16 certified to it by the department, consider the predominant ethnic or religious  
17 composition of the residents to be served by that facility in considering whether  
18 to grant a certificate of need.

19       3. [There shall be no expenditure minimum for facilities, beds, or services  
20 referred to in subdivisions (1), (2) and (3) of section 197.317. The provisions of  
21 this subsection shall expire January 1, 2003.

22       4.] As used in this section, the term "licensed and available" means beds  
23 which are actually in place and for which a license has been issued.

24       [5.] 4. The provisions of section 197.317 shall not apply to any facility  
25 where at least ninety-five percent of the patients require diets meeting the  
26 dietary standards defined by section 196.165, RSMo.

27       [6.] 5. The committee shall review all letters of intent and applications  
28 for long-term care hospital beds meeting the requirements described in 42 CFR,  
29 Section 412.23(e) under its criteria and standards for long-term care beds.

30       [7.] 6. Sections 197.300 to 197.366 shall not be construed to apply to  
31 litigation pending in state court on or before April 1, 1996, in which the Missouri  
32 health facilities review committee is a defendant in an action concerning the  
33 application of sections 197.300 to 197.366 to long-term care hospital beds meeting  
34 the requirements described in 42 CFR, Section 412.23(e).

35       [8.] 7. Notwithstanding any other provision of this chapter to the  
36 contrary:

37       (1) A facility licensed pursuant to chapter 198, RSMo, may increase its

38 licensed bed capacity by:

39 (a) Submitting a letter of intent to expand to the division of aging and the  
40 health facilities review committee;

41 (b) Certification from the division of aging that the facility:

42 a. Has no patient care class I deficiencies within the last eighteen months;  
43 and

44 b. Has maintained a ninety-percent average occupancy rate for the  
45 previous six quarters;

46 (c) Has made an effort to purchase beds for eighteen months following the  
47 date the letter of intent to expand is submitted pursuant to paragraph (a) of this  
48 subdivision. For purposes of this paragraph, an "effort to purchase" means a copy  
49 certified by the offeror as an offer to purchase beds from another licensed facility  
50 in the same licensure category; and

51 (d) If an agreement is reached by the selling and purchasing entities, the  
52 health facilities review committee shall issue a certificate of need for the  
53 expansion of the purchaser facility upon surrender of the seller's license; or

54 (e) If no agreement is reached by the selling and purchasing entities, the  
55 health facilities review committee shall permit an expansion for:

56 a. A facility with more than forty beds may expand its licensed bed  
57 capacity within the same licensure category by twenty-five percent or thirty beds,  
58 whichever is greater, if that same licensure category in such facility has  
59 experienced an average occupancy of ninety-three percent or greater over the  
60 previous six quarters;

61 b. A facility with fewer than forty beds may expand its licensed bed  
62 capacity within the same licensure category by twenty-five percent or ten beds,  
63 whichever is greater, if that same licensure category in such facility has  
64 experienced an average occupancy of ninety-two percent or greater over the  
65 previous six quarters;

66 c. A facility adding beds pursuant to subparagraphs a. or b. of this  
67 paragraph shall not expand by more than fifty percent of its then licensed bed  
68 capacity in the qualifying licensure category;

69 (2) Any beds sold shall, for five years from the date of relicensure by the  
70 purchaser, remain unlicensed and unused for any long-term care service in the  
71 selling facility, whether they do or do not require a license;

72 (3) The beds purchased shall, for two years from the date of purchase,  
73 remain in the bed inventory attributed to the selling facility and be considered



74 by the department of social services as licensed and available for purposes of this  
75 section;

76 (4) Any residential care facility licensed pursuant to chapter 198, RSMo,  
77 may relocate any portion of such facility's current licensed beds to any other  
78 facility to be licensed within the same licensure category if both facilities are  
79 under the same licensure ownership or control, and are located within six miles  
80 of each other;

81 (5) A facility licensed pursuant to chapter 198, RSMo, may transfer or sell  
82 individual long-term care licensed beds to facilities qualifying pursuant to  
83 paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which  
84 transfers or sells licensed beds shall not expand its licensed bed capacity in that  
85 licensure category for a period of five years from the date the licensure is  
86 relinquished.

87 [9.] 8. Any existing licensed and operating health care facility offering  
88 long-term care services may replace one-half of its licensed beds at the same site  
89 or a site not more than thirty miles from its current location if, for at least the  
90 most recent four consecutive calendar quarters, the facility operates only fifty  
91 percent of its then licensed capacity with every resident residing in a private  
92 room. In such case:

93 (1) The facility shall report to the division of aging vacant beds as  
94 unavailable for occupancy for at least the most recent four consecutive calendar  
95 quarters;

96 (2) The replacement beds shall be built to private room specifications and  
97 only used for single occupancy; and

98 (3) The existing facility and proposed facility shall have the same owner  
99 or owners, regardless of corporate or business structure, and such owner or  
100 owners shall stipulate in writing that the existing facility beds to be replaced will  
101 not later be used to provide long-term care services. If the facility is being  
102 operated under a lease, both the lessee and the owner of the existing facility shall  
103 stipulate the same in writing.

104 [10.] 9. Nothing in this section shall prohibit a health care facility  
105 licensed pursuant to chapter 198, RSMo, from being replaced in its entirety  
106 within fifteen miles of its existing site so long as the existing facility and  
107 proposed or replacement facility have the same owner or owners regardless of  
108 corporate or business structure and the health care facility being replaced  
109 remains unlicensed and unused for any long-term care services whether they do

110 or do not require a license from the date of licensure of the replacement facility.

111 EXPLANATION: Subsection 3 of this section expired 01-01-03.

197.366. The [provisions of subdivision (8) of section 197.305 to the  
2 contrary notwithstanding, after December 31, 2001, the] term "health care  
3 facilities" in sections 197.300 to 197.366 shall mean:

4 (1) Facilities licensed under chapter 198, RSMo;

5 (2) Long-term care beds in a hospital as described in subdivision (3) of  
6 subsection 1 of section 198.012, RSMo;

7 (3) Long-term care hospitals or beds in a long-term care hospital meeting  
8 the requirements described in 42 CFR, section 412.23(e); and

9 (4) Construction of a new hospital as defined in chapter 197.

10 EXPLANATION: This section replaced the definition contained in subdivision (7)  
11 of section 197.305 after 12-31-01.

329.028. 1. There is hereby created in the state treasury a fund to be  
2 known as the "Board of Cosmetology and Barber Examiners Fund", which shall  
3 consist of all moneys collected by the board. All fees provided for in this chapter  
4 and chapter 328, RSMo, shall be payable to the director of the division of  
5 professional registration, who shall keep a record of the account showing the total  
6 payments received and shall immediately thereafter transmit them to the  
7 department of revenue for deposit in the state treasury to the credit of the board  
8 of cosmetology and barber examiners fund. All the salaries and expenses for the  
9 operation of the board shall be appropriated and paid from such fund.

10 2. The provisions of section 33.080, RSMo, to the contrary  
11 notwithstanding, money in this fund shall not be transferred and placed to the  
12 credit of general revenue until the amount in the fund at the end of the biennium  
13 exceeds two times the amount of the appropriation from the board's funds for the  
14 preceding fiscal year or, if the board requires by rule license renewal less  
15 frequently than yearly, then three times the appropriation from the board's funds  
16 for the preceding fiscal year. The amount, if any, in the fund which shall lapse  
17 is that amount in the fund which exceeds the appropriate multiple of the  
18 appropriations from the board's funds for the preceding fiscal year.

19 [3. Upon appointment by the governor and confirmation by the senate of  
20 the board, all moneys deposited in the board of barbers fund created in section  
21 328.050, RSMo, and the state board of cosmetology fund created in section  
22 329.240, shall be transferred to the board of cosmetology and barber examiners  
23 fund created in subsection 1 of this section. The board of barbers fund and the

24 state board of cosmetology fund shall be abolished when all moneys are  
25 transferred to the board of cosmetology and barber examiners fund.]

26 EXPLANATION: The requirement in subsection 3 of this section for the transfer  
27 of moneys from abolished funds has occurred.

620.515. 1. This section shall be known and may be cited as the "Hero at  
2 Home" program, the purpose of which is to:

3 (1) Assist the spouse of an active duty national guard or reserve  
4 component service member reservist to address immediate needs and employment  
5 in an attempt to keep the family from falling into poverty while the primary  
6 income earner is on active duty, and during the one-year period following  
7 discharge from deployment; and

8 (2) Assist returning national guard troops or reserve component service  
9 member reservists with finding work in situations where an individual needs to  
10 rebuild business clientele or where an individual's job has been eliminated while  
11 such individual was deployed, or where the individual otherwise cannot return  
12 to his or her previous employment.

13 2. Subject to appropriation, the department of economic development shall  
14 operate the hero at home program through existing programs or by entering into  
15 a contract with qualified providers through local workforce investment  
16 boards. Eligibility for the program shall be based on the following criteria:

17 (1) Eligible participants in the program shall be those families where:

18 (a) The primary income earner was called to active duty in defense of the  
19 United States for a period of more than four months;

20 (b) The family's primary income is no longer available;

21 (c) The family is experiencing significant hardship due to financial  
22 burdens; and

23 (d) The family has no outside resources available to assist with such  
24 hardships;

25 (2) Services that may be provided to the family will be aimed at  
26 ameliorating the immediate crisis and providing a path for economic stability  
27 while the primary income is not available due to the active military  
28 commitment. Services shall be made available up to one year following discharge  
29 from deployment. Services may include, but not be limited to the following:

30 (a) Financial assistance to families facing financial crisis from overdue  
31 bills due to reduced income after the deployment of a spouse;

32 (b) Help paying day care costs to pursue training and or employment;

33 (c) Help covering the costs of transportation to training and or  
34 employment;

35 (d) Vocational evaluation and vocational counseling to help the individual  
36 choose a visible employment goal;

37 (e) Vocational training to acquire or upgrade skills needed to be  
38 marketable in the workforce;

39 (f) Paid internships and subsidized employment to train on the job; and

40 (g) Job placement assistance for those who don't require skills training;

41 (3) The department shall ensure the eligible providers are:

42 (a) Community-based not-for-profit agencies which have significant  
43 experience in job training, placement, and social services;

44 (b) Providers with extensive experience providing such services to  
45 veterans and implementing contracts with veteran organizations such as the  
46 department of veteran affairs;

47 (c) Providers which have attained the distinction of being accredited  
48 through a national accreditation body for training and or human services;

49 (d) Providers which are able to provide a twenty percent match to the  
50 program either through indirect or direct expenditures; and

51 (e) Providers with experience in the regions targeted for the program.

52 3. The department shall structure any contract such that payment will be  
53 based on delivering the services described in this section as well as performance  
54 to guarantee the greatest possible effectiveness of the program.

55 4. Because of the important nature of this program to the health and  
56 welfare of Missourians, this section shall become effective on July 1, 2006. The  
57 department shall make every reasonable effort to ensure that the hero at home  
58 program is serving families by August 1, 2006.

59 [5. The department shall prepare a report on the operations and progress  
60 of the program to be delivered to the speaker of the house of representatives and  
61 the president pro tem of the senate no later than January 1, 2007.]

62 EXPLANATION: The report required under subsection 5 of this section was due  
63 for submission no later than 01-01-07.

[21.840. 1. There is established a joint committee of the  
2 general assembly to be known as the "Joint Committee on Preneed  
3 Funeral Contracts" to be composed of seven members of the senate  
4 and seven members of the house of representatives. The senate  
5 members of the joint committee shall be appointed by the president

6 pro tem and minority floor leader of the senate and the house  
7 members shall be appointed by the speaker and minority floor  
8 leader of the house of representatives. The appointment of each  
9 member shall continue during the member's term of office as a  
10 member of the general assembly or until a successor has been  
11 appointed to fill the member's place when his or her term of office  
12 as a member of the general assembly has expired. No party shall  
13 be represented by more than four members from the house of  
14 representatives nor more than four members from the senate. A  
15 majority of the committee shall constitute a quorum, but the  
16 concurrence of a majority of the members shall be required for the  
17 determination of any matter within the committee's duties.

18 2. The joint committee shall:

19 (1) Make a comprehensive study and analysis of the  
20 consumer and economic impact on the preneed funeral contract  
21 industry in the state of Missouri;

22 (2) Determine from its study and analysis the need for  
23 changes in statutory law; and

24 (3) Make any other recommendation to the general  
25 assembly relating to its findings.

26 3. The joint committee shall meet within thirty days after  
27 its creation and organize by selecting a chairperson and a vice  
28 chairperson, one of whom shall be a member of the senate and the  
29 other a member of the house of representatives.

30 4. The committee may meet at locations other than  
31 Jefferson City when the committee deems it necessary.

32 5. The committee shall be staffed by legislative personnel  
33 as is deemed necessary to assist the committee in the performance  
34 of its duties.

35 6. The members of the committee shall serve without  
36 compensation but shall be entitled to reimbursement for actual and  
37 necessary expenses incurred in the performance of their official  
38 duties.

39 7. It shall be the duty of the committee to compile a full  
40 report of its activities for submission to the general assembly. The  
41 report shall be submitted not later than January 31, 2009, and

42 shall include any recommendations which the committee may have  
43 for legislative action as well as any recommendations for  
44 administrative or procedural changes in the internal management  
45 or organization of state or local government agencies and  
46 departments. Copies of the report containing such  
47 recommendations shall be sent to the appropriate directors of state  
48 or local government agencies or departments included in the report.

49 8. The provisions of this section shall expire on January 31,  
50 2009.]

51 EXPLANATION: This section expired 01-31-09.

[57.130. 1. The sheriffs of the several counties shall collect  
2 and account for all the fines, penalties, forfeitures and other sums  
3 of money, by whatever name designated, accruing to the state or  
4 any county by virtue of any order, judgment or decree of a court of  
5 record, provided that by court rule provision may be made for a  
6 court clerk to collect fines, penalties, forfeitures and other sums of  
7 money accruing to the state by virtue of any order, judgment or  
8 decree of the court.

9 2. The provisions of this section shall expire and be of no  
10 force and effect on and after July 1, 2007.]

11 EXPLANATION: This section expired 07-01-07.

[71.970. 1. Municipalities may own and operate cable  
2 television facilities on a nondiscriminatory, competitively neutral  
3 basis, and at a price which covers costs, including imputed costs  
4 that the political subdivision would incur if it were a for-profit  
5 business. No municipality may own or operate cable television  
6 facilities and services unless approved by a vote of the people. This  
7 section shall apply only to municipalities that acquire or construct  
8 cable television facilities and services after August 28, 2002.

9 2. The public service commission shall annually study the  
10 economic impact of the provisions of this section and prepare and  
11 submit a report to the general assembly by December thirty-first  
12 of each year.

13 3. The provisions of this section shall terminate on August  
14 28, 2007.]

15 EXPLANATION: This section expired 08-28-07.

1 [99.799. 1. The joint committee on tax policy shall conduct  
2 a study of the feasibility of creating a program to allow  
3 municipalities within the state to engage in tax increment  
4 finance-like projects with optional tax abatement in any area of  
5 such municipality regardless of the existence of blight. The  
6 committee shall report its findings to the general assembly no later  
7 than December 31, 2007.

8 2. The provisions of this section shall expire on January 1, 2008.]

9 EXPLANATION: This section expired 01-01-08.

10 [165.016. 1. A school district shall expend as a percentage  
11 of current operating cost, for tuition, teacher retirement and  
12 compensation of certificated staff, a percentage that is for the  
13 1994-95 and 1995-96 school years no less than three percentage  
14 points less than the base school year certificated salary percentage  
15 and for the 1996-97 school year, no less than two percentage points  
16 less than the base school year certificated salary percentage. A  
17 school district may exclude transportation and school safety and  
18 security expenditures from the current operating cost calculation  
19 of the base year and the year or years for which the compliance  
20 percentage is calculated. The base school year certificated salary  
21 percentage shall be the two-year average percentage of the 1991-92  
22 and 1992-93 school years except as otherwise established by the  
23 state board under subsection 4 of this section; except that, for any  
24 school district experiencing, over a period of three consecutive  
25 years, an average yearly increase in average daily attendance of at  
26 least three percent, the base school year certificated salary  
27 percentage may be the two-year average percentage of the last two  
years of such period of three consecutive years, at the discretion of  
the school district.

2. Beginning with the 1997-98 school year, a school district shall:

(1) Expend, as a percentage of current operating cost, as determined in subsection 1 of this section, for tuition, teacher retirement and compensation of certificated staff, a percentage that is no less than two percentage points less than the base school year certificated salary percentage; or

28                   (2) For any year in which no payment of a penalty is  
29                   required for the district under subsection 6 of this section, have an  
30                   unrestricted fund balance in the combined incidental and teachers'  
31                   funds on June thirtieth which is equal to or less than ten percent  
32                   of the combined expenditures for the year from those funds.

33                   3. Beginning with the 1999-00 school year:

34                   (1) As used in this subsection, "fiscal instructional ratio of  
35                   efficiency" or "FIRE" means the quotient of the sum of the district's  
36                   current operating costs, which for this section shall mean all  
37                   expenditures for instruction and support services, excluding capital  
38                   outlay and debt service expenditures less the revenue from federal  
39                   categorical sources, food service, student activities, and payments  
40                   from other districts, for all kindergarten through grade twelve  
41                   direct instructional and direct pupil support service functions plus  
42                   the costs of improvement of instruction and the cost of purchased  
43                   services and supplies for operation of the facilities housing those  
44                   programs, and excluding student activities, divided by the sum of  
45                   the district's current operating cost, as defined in this subdivision,  
46                   for kindergarten through grade twelve, plus all tuition revenue  
47                   received from other districts minus all noncapital transportation  
48                   and school safety and security costs;

49                   (2) A school district shall show compliance with this section  
50                   in school year 1998-99 and thereafter by the method described in  
51                   subsections 1 and 2 of this section, or by maintaining or increasing  
52                   its fiscal instructional ratio of efficiency compared to its FIRE for  
53                   the 1997-98 base year.

54                   4. (1) The state board of education may exempt a school  
55                   district from the requirements of this section upon receiving a  
56                   request for an exemption by a school district. The request shall  
57                   show the reason or reasons for the noncompliance, and the  
58                   exemption shall apply for only one school year. Requests for  
59                   exemptions under this subdivision may be resubmitted in  
60                   succeeding years.

61                   (2) A school district may request of the state board a  
62                   one-time, permanent revision of the base school year certificated  
63                   salary percentage. The request shall show the reason or reasons



64 for the revision.

65 5. Any school district requesting an exemption or revision  
66 under subsection 4 of this section must notify the certified staff of  
67 the district in writing of the district's intent. Prior to granting an  
68 exemption or revision, the state board shall consider comments  
69 from certified staff of the district. The state board decision shall  
70 be final.

71 6. Any school district which is determined by the  
72 department to be in violation of the requirements of subsection 1  
73 or 2 of this section, or both, shall compensate the building-level  
74 administrative staff and nonadministrative certificated staff during  
75 the year following the notice of violation by an additional amount  
76 which is equal to one hundred ten percent of the amount necessary  
77 to bring the district into compliance with this section for the year  
78 of violation. In any year in which a penalty is paid, the district  
79 shall pay the penalty specified in this subsection in addition to the  
80 amount required under this section for the current school year.

81 7. Any additional transfers from the teachers' or incidental  
82 fund to the capital projects fund beyond the transfers authorized  
83 by state law and state board policy in effect on January 1, 1996,  
84 shall be considered expenditures from the teachers' or incidental  
85 fund for the purpose of determining compliance with the provisions  
86 of subsections 1, 2 and 3 of this section.

87 8. The provisions of this section shall not apply to any  
88 district wherein the local effort is greater than its weighted  
89 average daily attendance multiplied by the state adequacy target  
90 multiplied by the dollar value modifier under section 163.031,  
91 RSMo.

92 9. The provisions of subsections 1 to 8 of this section shall  
93 not apply to any district that has unrestricted fund balances in the  
94 combined incidental and teacher funds on June thirtieth of the  
95 preceding year which are equal to or less than seventeen percent  
96 of the combined expenditure for the preceding year from these  
97 funds in any year in which state funds distributed pursuant to  
98 subsections 1 and 2 of section 163.031, RSMo, are no more than  
99 ninety-six percent of such state funds distributed in fiscal year

100 2002.

101 10. The provisions of subsections 1 to 8 of this section shall  
102 not apply to any district which meets the following criteria:

103 (1) With ten percent or more of its assessed valuation that  
104 is owned by one person or corporation as commercial or personal  
105 property who is delinquent in a property tax payment;

106 (2) With unrestricted fund balances in the combined  
107 incidental and teacher funds on June thirtieth of the preceding  
108 year which are equal to or less than one-half of the local property  
109 tax revenue for the previous year; and

110 (3) In any year in which state funds distributed pursuant  
111 to subsections 1 and 2 of section 163.031, RSMo, are no more than  
112 ninety-six percent of such state funds distributed in fiscal year  
113 2002.

114 11. The provisions of this section shall terminate on June  
115 30, 2007.]

116 EXPLANATION: This section expired 06-30-07.

2 [165.018. 1. Any school district shall be permitted to make  
3 a one-time additional transfer from the incidental fund to the  
4 capital projects fund in an amount not to exceed forty percent of  
5 that district's June 30, 2006, incidental fund if such school district  
6 meets one of the following qualifications:

7 (1) Has an average daily attendance between nine hundred  
8 forty and one thousand forty during the 2004-2005 school year,  
9 located at least partially in a county of the third classification with  
10 a township form of government and with more than twenty-nine  
11 thousand seven hundred but fewer than twenty-nine thousand  
12 eight hundred inhabitants and which entirely encompasses a city  
13 of the fourth classification with more than one thousand one  
14 hundred but fewer than one thousand two hundred inhabitants; or

15 (2) Has an average daily attendance between six hundred  
16 and six hundred thirty during the 2004-2005 school year, located  
17 at least partially in any county of the second classification with  
18 more than fifty-five thousand six hundred but fewer than fifty-five  
19 thousand seven hundred inhabitants; or

(3) Has an average daily attendance between four hundred

20 sixty and four hundred ninety during the 2004-2005 school year,  
21 located at least partially in any county of the third classification  
22 without a township form of government and with more than  
23 twenty-three thousand two hundred fifty but fewer than  
24 twenty-three thousand three hundred fifty inhabitants; or

25 (4) Has an average daily attendance between one thousand  
26 four hundred and one thousand five hundred during the 2004-2005  
27 school year and is located entirely within a county of the third  
28 classification without a township form of government and with  
29 more than twenty thousand but fewer than twenty thousand one  
30 hundred inhabitants.

31 2. The provisions of this section shall terminate on July 1,  
32 2007.]

33 EXPLANATION: This section expired on 07-01-07.

[192.632. 1. There is hereby created a "Chronic Kidney  
2 Disease Task Force". Unless otherwise stated, members shall be  
3 appointed by the director of the department of health and senior  
4 services and shall include, but not be limited to, the following  
5 members:

6 (1) Two physicians appointed from lists submitted by the  
7 Missouri state medical association;

8 (2) Two nephrologists;

9 (3) Two family physicians;

10 (4) Two pathologists;

11 (5) One member who represents owners or operators of  
12 clinical laboratories in the state;

13 (6) One member who represents a private renal care  
14 provider;

15 (7) One member who has a chronic kidney disease;

16 (8) One member who represents the state affiliate of the  
17 National Kidney Foundation;

18 (9) One member who represents the Missouri kidney  
19 program;

20 (10) Two members of the house of representatives appointed  
21 by the speaker of the house;

22 (11) Two members of the senate appointed by the president

23 pro tem of the senate;

24 (12) Additional members may be chosen to represent public  
25 health clinics, community health centers, and private health  
26 insurers.

27 2. A chairperson and vice chairperson shall be elected by  
28 the members of the task force.

29 3. The chronic kidney disease task force shall:

30 (1) Develop a plan to educate the public and health care  
31 professionals about the advantages and methods of early screening,  
32 diagnosis, and treatment of chronic kidney disease and its  
33 complications based on kidney disease outcomes, quality initiative  
34 clinical practice guidelines for chronic kidney disease, or other  
35 medically recognized clinical practice guidelines;

36 (2) Make recommendations on the implementation of a  
37 cost-effective plan for early screening, diagnosis, and treatment of  
38 chronic kidney disease for the state's population;

39 (3) Identify barriers to adoption of best practices and  
40 potential public policy options to address such barriers;

41 (4) Submit a report of its findings and recommendations to  
42 the general assembly by August 30, 2008.

43 4. The department of health and senior services shall  
44 provide all necessary staff, research, and meeting facilities for the  
45 chronic kidney disease task force.

46 5. The provisions of this section shall expire August 30,  
47 2008.]

48 EXPLANATION: This section expired August 30, 2008.

[208.344. 1. By December 1, 2002, and annually thereafter,  
2 the division of family services shall submit a report to the  
3 governor, the president pro tempore of the senate, and the speaker  
4 of the house of representatives regarding the progress of welfare  
5 reform in Missouri. The report shall include, but not be limited to,  
6 current statistics and recommendations regarding:

7 (1) Individuals who have successfully left welfare and  
8 employment of such individuals;

9 (2) Individuals who remain on or have returned to welfare;  
10 and

11 (3) Benefits of welfare reform realized by families,  
12 employers, and the state.

13 2. The provisions of this section shall expire on December  
14 31, 2007.]

15 EXPLANATION: This section expired on 12-31-07.

[208.978. 1. The MO HealthNet oversight committee shall  
2 develop and report upon recommendations to be delivered to the  
3 governor and general assembly relating to the expenditure of funds  
4 appropriated to the health care technology fund established under  
5 section 208.975.

6 2. Recommendations from the committee shall include an  
7 analysis and review, including but not limited to the following:

8 (1) Reviewing the current status of health care information  
9 technology adoption by the health care delivery system in Missouri;

10 (2) Addressing the potential technical, scientific, economic,  
11 security, privacy, and other issues related to the adoption of  
12 interoperable health care information technology in Missouri;

13 (3) Evaluating the cost of using interoperable health care  
14 information technology by the health care delivery system in  
15 Missouri;

16 (4) Identifying private resources and public/private  
17 partnerships to fund efforts to adopt interoperable health care  
18 information technology;

19 (5) Exploring the use of telemedicine as a vehicle to  
20 improve health care access to Missourians;

21 (6) Identifying methods and requirements for ensuring that  
22 not less than ten percent of appropriations within a single fiscal  
23 year shall be directed toward the purpose of expanding and  
24 developing minority-owned businesses that deliver technological  
25 enhancements to health care delivery systems and networks;

26 (7) Developing requirements to be recommended to the  
27 general assembly that ensure not more than twenty-five percent of  
28 appropriations from the health care technology fund in any fiscal  
29 year shall be contractually awarded to a single entity;

30 (8) Developing requirements to be recommended to the  
31 general assembly that ensure the number of contractual awards

32 provided from the health care technology fund shall not be fewer  
33 than the number of congressional districts within Missouri; and

34 (9) Recommending best practices or policies for state  
35 government and private entities to promote the adoption of  
36 interoperable health care information technology by the Missouri  
37 health care delivery system.

38 3. The committee shall make and report its  
39 recommendations to the governor and general assembly on or  
40 before January 1, 2008.

41 4. This shall expire on April 15, 2008.]

42 EXPLANATION: This section expired on 04-15-08.

[211.013. The office of state courts administrator shall  
2 conduct a study and report to the general assembly by June 30,  
3 2009, on the impact of changing the definition of child, as used in  
4 section 211.031, to include any person over seventeen years of age  
5 but not yet eighteen years of age alleged to have committed a  
6 status offense as defined in subdivision (2) of subsection 1 of  
7 section 211.031. The report shall contain information regarding  
8 the impact on caseloads of juvenile officers, including the average  
9 increase in caseload per juvenile officer for each judicial circuit,  
10 and the number of children affected by the change in definition.]

11 EXPLANATION: The study required under this section was due 06-30-09.

[217.860. 1. There is hereby created within the department  
2 of corrections a "Task Force on Alternative Sentencing". The  
3 primary duty of the task force is to develop a statewide plan for  
4 alternative sentencing programs. The plan shall include, but not  
5 be limited to, the following:

- 6 (1) Public-private partnerships;
- 7 (2) Job training;
- 8 (3) Job placement;
- 9 (4) Conflict resolution treatment; and
- 10 (5) Alcohol and drug rehabilitation.

11 2. In developing this statewide plan the task force shall at  
12 a minimum acquire and review the following information:

- 13 (1) The cost per year to incarcerate one offender;
- 14 (2) The cost of the proposed alternative sentencing program

15 or programs per year;

16 (3) The recidivism rate for different types of offenses; and

17 (4) Information and research to assist the task force in  
18 determining which classes of offenders should be targeted in  
19 alternative sentencing programs.

20 3. The task force created in this section shall be comprised  
21 of the following members or their designees from the entity  
22 represented:

23 (1) The director;

24 (2) The director of the division of probation and parole;

25 (3) Two probation and parole officers or supervisors, who  
26 shall be appointed by the director of the division of probation and  
27 parole;

28 (4) One member of the department of economic  
29 development's workforce development office who shall be appointed  
30 by the director of the department of economic development;

31 (5) Two circuit or associate circuit judges who shall be  
32 appointed by the governor;

33 (6) Two chief executive officers of two different private  
34 businesses that employ a minimum of twenty employees each who  
35 shall be appointed by the governor;

36 (7) Two prosecuting attorneys who shall be appointed by  
37 the governor;

38 (8) Two members of the house of representatives, one of  
39 whom shall be appointed by the speaker of the house and one of  
40 whom shall be appointed by the house minority leader; and

41 (9) Two members of the senate, one of whom shall be  
42 appointed by the president pro tem of the senate and one of whom  
43 shall be appointed by the senate minority leader.

44 4. The task force shall meet at least quarterly and shall  
45 submit its recommendations and statewide plan for an alternative  
46 sentencing program or programs to the governor, to the general  
47 assembly, and to the director by December 31, 2006.

48 5. Members of the task force shall receive no additional  
49 compensation but shall be eligible for reimbursement for mileage  
50 directly related to the performance of task force duties.

51                   6. The provisions of this section terminate on May 31,  
52                   2007.]

53 EXPLANATION: This section expired on 05-31-07.

                  [307.367. Prior to September 1, 2007, but no earlier than  
2                   August 1, 2007, all moneys held in the Missouri air pollution  
3                   control fund established under section 307.366 shall be transferred,  
4                   as deemed necessary by the state treasurer and commissioner of  
5                   administration, to the Missouri air emission reduction fund  
6                   established in section 643.350, RSMo, to be used for the purposes  
7                   of administering and enforcing the provisions of sections 643.300  
8                   to 643.355, RSMo. Prior to such date, any of the moneys in the  
9                   Missouri air pollution control fund that are needed to pay any  
10                  outstanding debt of the Missouri air pollution control fund, as  
11                  determined by the state treasurer, shall be exempted from the  
12                  provisions of this section. The Missouri air pollution control fund  
13                  shall be officially abolished on September 1, 2007.]

14 EXPLANATION: The fund in this section was officially abolished on 09-01-07.

                  [374.208. The director shall study and recommend to the  
2                   general assembly changes to avoid unnecessary duplication of  
3                   market conduct activities and to implement uniform processes and  
4                   procedures for market analysis and market conduct examinations  
5                   which will more effectively utilize resources to protect insurance  
6                   consumers. The study shall be completed and recommendations  
7                   provided by January 1, 2008.]

8 EXPLANATION: The study required under this section was due on 01-01-08.

                  [376.990. The board of directors of the state health  
2                   insurance pool is hereby directed to conduct a study regarding the  
3                   financing of the state health insurance pool. Such study shall  
4                   include, but not be limited to, research and findings of how other  
5                   states finance their state high-risk pools. The study shall consider  
6                   alternative assessment approaches to the current assessment  
7                   method employed in section 376.975. In addition to studying  
8                   alternative financing mechanisms employed by other state  
9                   high-risk pools, the board shall explore the ramifications of  
10                  eliminating or reducing a carrier's ability to offset their  
11                  assessments against their premium tax liability. The polestar of



12 the study shall be establishing a stable funding source for the  
13 Missouri state health insurance pool while providing adequate  
14 health insurance coverage to Missouri's uninsurable  
15 population. The board of directors of the state health insurance  
16 pool shall submit a report of its findings and recommendations to  
17 each member of the general assembly no later than January 1,  
18 2008.]

19 EXPLANATION: The study required under this section was due 12-31-08.

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