

SECOND REGULAR SESSION

REVISION

SENATE BILL NO. 975

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Read 1st time January 30, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6248S.01I

AN ACT

To repeal sections 8.800, 8.805, 8.830, 8.843, 33.295, 33.700, 33.710, 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.390, 105.400, 105.420, 105.430, 105.440, 105.445, 135.210, 135.311, 135.575, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540, 143.105, 143.106, 143.107, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050, 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 173.197, 178.930, 196.973, 205.580, 205.590, 205.600, 205.610, 205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993, 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 251.650, 261.295, 288.121, 288.128, 288.131, 301.562, 302.700, 324.028, 324.159, 324.406, 327.451, 329.025, 330.190, 332.041, 334.100, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510, 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157, 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and to enact in lieu thereof ninety-six new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions.

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

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

Section A. Sections 8.800, 8.805, 8.830, 8.843, 33.295, 33.700, 33.710,
 2 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342,
 3 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375,
 4 105.380, 105.385, 105.390, 105.400, 105.420, 105.430, 105.440, 105.445, 135.210,
 5 135.311, 135.575, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540,
 6 143.105, 143.106, 143.107, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050,
 7 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061,
 8 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161,
 9 173.197, 178.930, 196.973, 205.580, 205.590, 205.600, 205.610, 205.620, 205.630,
 10 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720,
 11 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993,
 12 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 251.650, 261.295, 288.121,
 13 288.128, 288.131, 301.562, 302.700, 324.028, 324.159, 324.406, 327.451, 329.025,
 14 330.190, 332.041, 334.100, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036,
 15 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120,
 16 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485,
 17 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510,
 18 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157,
 19 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, are
 20 repealed and ninety-six new sections enacted in lieu thereof, to be known as
 21 sections 8.800, 8.805, 8.830, 8.843, 42.300, 44.105, 51.165, 67.5016, 100.710,
 22 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370,
 23 105.375, 105.390, 105.400, 105.420, 105.430, 135.210, 135.311, 135.950, 141.540,
 24 143.811, 144.030, 144.810, 147.020, 147.050, 161.215, 165.011, 170.051, 178.930,
 25 196.973, 208.156, 209.015, 210.027, 210.114, 211.447, 226.805, 261.295, 288.121,
 26 288.128, 301.562, 302.700, 324.028, 324.159, 324.406, 327.451, 329.025, 330.190,
 27 332.041, 334.100, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160,
 28 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035,
 29 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.400, 414.406,
 30 414.412, 414.417, 414.510, 620.035, 620.511, 620.512, 620.513, 640.153, 640.155,
 31 640.157, 640.160, 640.651, 640.653, 660.135, 701.500, and 701.509, to read as
 32 follows:

THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED
 ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

8.800. As used in sections 8.800 to 8.825, the following terms mean:

2 (1) "Builder", the prime contractor that hires and coordinates building
3 subcontractors or if there is no prime contractor, the contractor that completes
4 more than fifty percent of the total construction work performed on the
5 building. Construction work includes, but is not limited to, foundation, framing,
6 wiring, plumbing and finishing work;

7 (2) "Department", the department of [natural resources] **economic**
8 **development**;

9 (3) "Designer", the architect, engineer, landscape architect, builder,
10 interior designer or other person who performs the actual design work or is under
11 the direct supervision and responsibility of the person who performs the actual
12 design work;

13 (4) "District heating and cooling systems", heat pump systems which use
14 waste heat from factories, sewage treatment plants, municipal solid waste
15 incineration, lighting and other heat sources in office buildings or which use
16 ambient thermal energy from sources including temperature differences in rivers
17 to provide regional heating or cooling;

18 (5) "Division", the division of facilities management, design and
19 construction;

20 (6) "Energy efficiency", the increased productivity or effectiveness of
21 energy resources use, the reduction of energy consumption, or the use of
22 renewable energy sources;

23 (7) "Gray water", all domestic wastewater from a state building except
24 wastewater from urinals, toilets, laboratory sinks, and garbage disposals;

25 (8) "Life cycle costs", the costs associated with the initial construction or
26 renovation and the proposed energy consumption, operation and maintenance
27 costs over the useful life of a state building or over the first twenty-five years
28 after the construction or renovation is completed;

29 (9) "Public building", a building owned or operated by a governmental
30 subdivision of the state, including, but not limited to, a city, county or school
31 district;

32 (10) "Renewable energy source", a source of thermal, mechanical or
33 electrical energy produced from solar, wind, low-head hydropower, biomass,
34 hydrogen or geothermal sources, but not from the incineration of hazardous
35 waste, municipal solid waste or sludge from sewage treatment facilities;

36 (11) "State agency", a department, commission, authority, office, college
37 or university of this state;

38 (12) "State building", a building owned by this state or an agency of this
39 state;

40 (13) "Substantial renovation" or "substantially renovated", modifications
41 that will affect at least fifty percent of the square footage of the building or
42 modifications that will cost at least fifty percent of the building's fair market
43 value.

THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED
ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

8.805. 1. For the first three years of each completed energy efficiency
2 project for state buildings, to the extent that there are energy savings beyond
3 payment of the financing obligation, required reserves and other expenses
4 associated with project financing, one-half of the energy savings shall be placed
5 in the energy analyses account, created in section 8.807, and one-half shall revert
6 to the general revenue fund. The division, in conjunction with the department,
7 shall establish criteria for determining projected savings from energy efficiency
8 projects in state buildings. The division, in conjunction with all state agencies,
9 shall establish criteria for determining the actual savings which result from a
10 specific energy efficiency project.

11 2. Beginning January 15, 1997, and annually thereafter, the office of
12 administration and the department of [natural resources] **economic**
13 **development** shall file a joint report to the house committee on energy and
14 environment, the senate committee on energy and environment, or their successor
15 committees, and the governor on the identification of, planning for and
16 implementation of energy efficiency projects in state buildings.

THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE
BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE
ORDER 13-03:

8.830. For purposes of sections 8.830 to 8.851, the following terms mean:

2 (1) "Department", the department of [natural resources] **economic**
3 **development**;

4 (2) "Director", the director of the department of [natural resources]
5 **economic development**;

6 (3) "Division", the division of facilities management, design and
7 construction;

8 (4) "Public building", a building owned or operated by a governmental
9 subdivision of the state, including, but not limited to, a city, county or school

10 district;

11 (5) "State building", a building owned or operated by the state, a state
12 agency or department, a state college or a state university.

THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED
ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

8.843. There is hereby established an interagency advisory committee on
2 energy cost reduction and savings. The committee shall consist of the
3 commissioner of administration, the director of the division of facilities
4 management, design and construction, the director of the department of [natural
5 resources] **economic development**, the director of the environmental
6 improvement and energy resources authority, the director of the division of
7 energy, the director of the department of transportation, the director of the
8 department of conservation and the commissioner of higher education. The
9 committee shall advise the department on the development of the minimum
10 energy efficiency standard and state building energy efficiency rating system and
11 shall assist the office of administration in implementing sections 8.833 and 8.835.

EXPLANATION: THE AUTHORITY FOR AUDITS UNDER SUBSECTION 4 OF
THIS SECTION EXPIRED 12-31-13:

42.300. 1. There is hereby created in the state treasury the "Veterans
2 Commission Capital Improvement Trust Fund" which shall consist of money
3 collected under section 313.835. The state treasurer shall administer the
4 veterans commission capital improvement trust fund, and the moneys in such
5 fund shall be used solely, upon appropriation, by the Missouri veterans
6 commission for:

7 (1) The construction, maintenance or renovation or equipment needs of
8 veterans' homes in this state;

9 (2) The construction, maintenance, renovation, equipment needs and
10 operation of veterans' cemeteries in this state;

11 (3) Fund transfers to Missouri veterans' homes fund established under the
12 provisions of section 42.121, as necessary to maintain solvency of the fund;

13 (4) Fund transfers to any municipality with a population greater than four
14 hundred thousand and located in part of a county with a population greater than
15 six hundred thousand in this state which has established a fund for the sole
16 purpose of the restoration, renovation and maintenance of a memorial or museum
17 or both dedicated to World War I. Appropriations from the veterans commission
18 capital improvement trust fund to such memorial fund shall be provided only as

19 a one-time match for other funds devoted to the project and shall not exceed five
20 million dollars. Additional appropriations not to exceed ten million dollars total
21 may be made from the veterans commission capital improvement trust fund as
22 a match to other funds for the new construction or renovation of other facilities
23 dedicated as veterans' memorials in the state. All appropriations for renovation,
24 new construction, reconstruction, and maintenance of veterans' memorials shall
25 be made only for applications received by the Missouri veterans commission prior
26 to July 1, 2004;

27 (5) The issuance of matching fund grants for veterans' service officer
28 programs to any federally chartered veterans' organization or municipal
29 government agency that is certified by the Veterans Administration to process
30 veteran claims within the Veterans Administration System; provided that such
31 veterans' organization has maintained a veterans' service officer presence within
32 the state of Missouri for the three-year period immediately preceding the issuance
33 of any such grant. A total of one million five hundred thousand dollars in grants
34 shall be made available annually for service officers and joint training and
35 outreach between veterans' service organizations and the Missouri veterans
36 commission with grants being issued in July of each year. Application for the
37 matching grants shall be made through and approved by the Missouri veterans
38 commission based on the requirements established by the commission;

39 (6) For payment of Missouri National Guard and Missouri veterans
40 commission expenses associated with providing medals, medallions and
41 certificates in recognition of service in the Armed Forces of the United States
42 during World War II, the Korean Conflict, and the Vietnam War under sections
43 42.170 to 42.226. Any funds remaining from the medals, medallions and
44 certificates shall not be transferred to any other fund and shall only be utilized
45 for the awarding of future medals, medallions, and certificates in recognition of
46 service in the Armed Forces;

47 (7) Fund transfers totaling ten million dollars to any municipality with
48 a population greater than three hundred fifty thousand inhabitants and located
49 in part in a county with a population greater than six hundred thousand
50 inhabitants and with a charter form of government, for the sole purpose of the
51 construction, restoration, renovation and maintenance of a memorial or museum
52 or both dedicated to World War I; and

53 (8) The administration of the Missouri veterans commission.

54 2. Any interest which accrues to the fund shall remain in the fund and

55 shall be used in the same manner as moneys which are transferred to the fund
56 under this section. Notwithstanding the provisions of section 33.080 to the
57 contrary, moneys in the veterans commission capital improvement trust fund at
58 the end of any biennium shall not be transferred to the credit of the general
59 revenue fund.

60 3. Upon request by the veterans commission, the general assembly may
61 appropriate moneys from the veterans commission capital improvement trust fund
62 to the Missouri National Guard trust fund to support the activities described in
63 section 41.958.

64 [4. The state auditor shall conduct an audit of all moneys in the veterans
65 commission capital improvement trust fund every year beginning January 1,
66 2011, and ending on December 31, 2013. The findings of each audit shall be
67 distributed to the general assembly, governor, and lieutenant governor no later
68 than ten business days after the completion of such audit.]

THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE
BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE
ORDER 13-01:

44.105. 1. In a governor-declared state of emergency, the [department of
2 health and senior services] **governor** may suspend any provision of chapters 195
3 and 334 pertaining to dispensing medications. Persons who dispense medications
4 under this section shall be trained by the [department of health and senior
5 services] **agency** and shall dispense medications under the supervision of a
6 licensed health care provider according to the [department's] **agency's** strategic
7 national stockpile plan.

8 2. The [department] **agency** may develop effective citizen involvement to
9 recruit, train, and accept the services of volunteers to supplement the programs
10 administered by the [department] **agency** in dispensing medications to the
11 population in the event of an emergency.

12 3. Volunteers recruited, trained, and accepted by the [department]
13 **agency** shall comply with the [department's] **agency's** strategic national
14 stockpile plan in dispensing medications.

15 4. The [department] **agency** may:

16 (1) Provide staff as deemed necessary for the effective management and
17 development of volunteer dispensing sites deployed in response to a
18 governor-declared emergency;

19 (2) Provide or assure access to professional staff as deemed necessary for

20 the effective training and oversight of volunteers;

21 (3) Develop and provide to all volunteers written rules governing the job
22 descriptions, recruitment, screening, training responsibility, utilization, and
23 supervision of volunteers; and

24 (4) Educate volunteers to ensure that they understand their duties and
25 responsibilities.

26 5. Non-health care professional volunteers, whose liability is not otherwise
27 protected by section 44.045 shall be deemed unpaid employees and shall be
28 accorded the protection of the legal expense fund and other provisions of section
29 105.711.

30 6. As used in this section, "volunteer" means any person who, of his or her
31 own free will, performs any assigned duties for the [department of health and
32 senior services] **agency** with no monetary or material compensation.

EXPLANATION: THIS SECTION CHANGES OBSOLETE SOCIAL SECURITY
PROVISIONS AND BRINGS MISSOURI INTO COMPLIANCE WITH FEDERAL
LAW:

51.165. In all counties of class three and four which shall enter into an
2 agreement with the state agency to place county employees under the Federal
3 Social Security Act in accordance with the provisions of sections 105.300 to
4 [105.440] **105.430**, it shall be the duty of the county clerk to keep necessary
5 records, collect contributions of county employees [and remit the same to the
6 state agency], and do all other administrative acts required by the agreement or
7 by ruling of the federal or state agency in order to carry out the purposes of the
8 aforesaid law.

EXPLANATION: THIS SECTION REMOVES OBSOLETE LANGUAGE
REGARDING THE COMMINGLING OF STATE AND LOCAL FUNDS:

67.5016. 1. Any county levying a local sales tax under the authority of
2 sections 67.5000 to 67.5038 shall not administer or collect the tax locally, but
3 shall utilize the services of the state department of revenue to administer,
4 enforce, and collect the tax. The sales tax shall be administered, enforced, and
5 collected in the same manner and by the same procedure as other local sales
6 taxes are levied and collected and shall be in addition to any other sales tax
7 authorized by law. Except as modified in this section, all provisions of sections
8 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

9 2. Upon receipt of a certified copy of a resolution from the county
10 authorizing the levy of a local sales tax, which resolution shall state the name of

11 the district in which that county is included, the director of the department of
12 revenue shall cause this tax to be collected at the same time and in the same
13 manner provided for the collection of the state sales tax. All moneys derived from
14 this local sales tax imposed under the authority of sections 67.5000 to 67.5038
15 and collected under the provisions of this section by the director of revenue shall
16 be [credited to a fund established for the district, which is hereby established in]
17 **deposited with** the state treasury[,] under the name of that district, as
18 established. **The moneys derived from local sales tax shall not be**
19 **deemed to be state funds and shall not be commingled with any funds**
20 **of the state.** Any refund due on any local sales tax collected pursuant to section
21 67.5000 to 67.5038 shall be paid out of the sales tax refund fund and reimbursed
22 by the director of revenue from the sales tax revenue collected under this section.
23 All local sales tax revenue derived from the authority granted by sections 67.5000
24 to 67.5038 and collected from within any county, under this section, shall be
25 remitted at least quarterly by the director of revenue to the district established
26 by sections 67.5000 to 67.5038, the source county included in the district and the
27 cities in that county, in the percentages set forth in section 67.5014.

EXPLANATION: REMOVES THE REFERENCE IN SUBDIVISION (15) TO THE
JOINT COMMITTEE ON ECONOMIC POLICY AND PLANNING WHICH WAS
REPEALED IN 2014:

100.710. As used in sections 100.700 to 100.850, the following terms
2 mean:
3 (1) "Assessment", an amount of up to five percent of the gross wages paid
4 in one year by an eligible industry to all eligible employees in new jobs, or up to
5 ten percent if the economic development project is located within a distressed
6 community as defined in section 135.530;
7 (2) "Board", the Missouri development finance board as created by section
8 100.265;
9 (3) "Certificates", the revenue bonds or notes authorized to be issued by
10 the board pursuant to section 100.840;
11 (4) "Credit", the amount agreed to between the board and an eligible
12 industry, but not to exceed the assessment attributable to the eligible industry's
13 project;
14 (5) "Department", the Missouri department of economic development;
15 (6) "Director", the director of the department of economic development;
16 (7) "Economic development project":

17 (a) The acquisition of any real property by the board, the eligible industry,
18 or its affiliate; or

19 (b) The fee ownership of real property by the eligible industry or its
20 affiliate; and

21 (c) For both paragraphs (a) and (b) of this subdivision, "economic
22 development project" shall also include the development of the real property
23 including construction, installation, or equipping of a project, including fixtures
24 and equipment, and facilities necessary or desirable for improvement of the real
25 property, including surveys; site tests and inspections; subsurface site work;
26 excavation; removal of structures, roadways, cemeteries and other surface
27 obstructions; filling, grading and provision of drainage, storm water retention,
28 installation of utilities such as water, sewer, sewage treatment, gas, electricity,
29 communications and similar facilities; off-site construction of utility extensions
30 to the boundaries of the real property; and the acquisition, installation, or
31 equipping of facilities on the real property, for use and occupancy by the eligible
32 industry or its affiliates;

33 (8) "Eligible employee", a person employed on a full-time basis in a new
34 job at the economic development project averaging at least thirty-five hours per
35 week who was not employed by the eligible industry or a related taxpayer in this
36 state at any time during the twelve-month period immediately prior to being
37 employed at the economic development project. For an essential industry, a
38 person employed on a full-time basis in an existing job at the economic
39 development project averaging at least thirty-five hours per week may be
40 considered an eligible employee for the purposes of the program authorized by
41 sections 100.700 to 100.850;

42 (9) "Eligible industry", a business located within the state of Missouri
43 which is engaged in interstate or intrastate commerce for the purpose of
44 manufacturing, processing or assembling products, conducting research and
45 development, or providing services in interstate commerce, office industries, or
46 agricultural processing, but excluding retail, health or professional
47 services. "Eligible industry" does not include a business which closes or
48 substantially reduces its operation at one location in the state and relocates
49 substantially the same operation to another location in the state. This does not
50 prohibit a business from expanding its operations at another location in the state
51 provided that existing operations of a similar nature located within the state are
52 not closed or substantially reduced. This also does not prohibit a business from

53 moving its operations from one location in the state to another location in the
54 state for the purpose of expanding such operation provided that the board
55 determines that such expansion cannot reasonably be accommodated within the
56 municipality in which such business is located, or in the case of a business
57 located in an incorporated area of the county, within the county in which such
58 business is located, after conferring with the chief elected official of such
59 municipality or county and taking into consideration any evidence offered by such
60 municipality or county regarding the ability to accommodate such expansion
61 within such municipality or county. An eligible industry must:

62 (a) Invest a minimum of fifteen million dollars, or ten million dollars for
63 an office industry, in an economic development project; and

64 (b) Create a minimum of one hundred new jobs for eligible employees at
65 the economic development project or a minimum of five hundred jobs if the
66 economic development project is an office industry or a minimum of two hundred
67 new jobs if the economic development project is an office industry located within
68 a distressed community as defined in section 135.530, or in the case of an
69 approved company for a project for a world headquarters of a business whose
70 primary function is tax return preparation in any home rule city with more than
71 four hundred thousand inhabitants and located in more than one county, create
72 a minimum of one hundred new jobs for eligible employees at the economic
73 development project. An industry that meets the definition of "essential industry"
74 may be considered an eligible industry for the purposes of the program authorized
75 by sections 100.700 to 100.850.

76 Notwithstanding the preceding provisions of this subdivision, a development
77 agency, as such term is defined in subdivision (3) of section 100.255, or a
78 corporation, limited liability company, or partnership formed on behalf of a
79 development agency, at the option of the board, may be authorized to act as an
80 eligible industry with such obligations and rights otherwise applicable to an
81 eligible industry, including the rights of an approved company under section
82 100.850, so long as the eligible industry otherwise meets the requirements
83 imposed by this subsection;

84 (10) "Essential industry", a business that otherwise meets the definition
85 of eligible industry except an essential industry shall:

86 (a) Be a targeted industry;

87 (b) Be located in a home rule city with more than twenty-six thousand but
88 less than twenty-seven thousand inhabitants located in any county with a charter

89 form of government and with more than one million inhabitants or in a city of the
90 fourth classification with more than four thousand three hundred but fewer than
91 four thousand four hundred inhabitants and located in any county with a charter
92 form of government and with more than one million inhabitants;

93 (c) Have maintained at least two thousand jobs at the proposed economic
94 development project site each year for a period of four years preceding the year
95 in which application for the program authorized by sections 100.700 to 100.850
96 is made and during the year in which said application is made;

97 (d) Retain, at the proposed economic development project site, the level
98 of employment that existed at the site in the taxable year immediately preceding
99 the year in which application for the program, authorized by sections 100.700 to
100 100.850, is made. Retention of such level of employment shall commence three
101 years from the date of issuance of the certificates and continue for the duration
102 of the certificates; and

103 (e) Invest a minimum of five hundred million dollars in the economic
104 development project by the end of the third year after the issuance of the
105 certificates under this program;

106 (11) "New job", a job in a new or expanding eligible industry not including
107 jobs of recalled workers, replacement jobs or jobs that formerly existed in the
108 eligible industry in the state. For an essential industry, an existing job may be
109 considered a new job for the purposes of the program authorized by sections
110 100.700 to 100.850;

111 (12) "Office industry", a regional, national or international headquarters,
112 a telecommunications operation, a computer operation, an insurance company, or
113 a credit card billing and processing center;

114 (13) "Program costs", all necessary and incidental costs of providing
115 program services including payment of the principal of premium, if any, and
116 interest on certificates, including capitalized interest, issued to finance a project,
117 and funding and maintenance of a debt service reserve fund to secure such
118 certificates. Program costs shall include:

119 (a) Obligations incurred for labor and obligations incurred to contractors,
120 subcontractors, builders and materialmen in connection with the acquisition,
121 construction, installation or equipping of an economic development project;

122 (b) The cost of acquiring land or rights in land and any cost incidental
123 thereto, including recording fees;

124 (c) The cost of contract bonds and of insurance of all kinds that may be

125 required or necessary during the course of acquisition, construction, installation
126 or equipping of an economic development project which is not paid by the
127 contractor or contractors or otherwise provided for;

128 (d) All costs of architectural and engineering services, including test
129 borings, surveys, estimates, plans and specifications, preliminary investigations
130 and supervision of construction, as well as the costs for the performance of all the
131 duties required by or consequent upon the acquisition, construction, installation
132 or equipping of an economic development project;

133 (e) All costs which are required to be paid under the terms of any contract
134 or contracts for the acquisition, construction, installation or equipping of an
135 economic development project; and

136 (f) All other costs of a nature comparable to those described in this
137 subdivision;

138 (14) "Program services", administrative expenses of the board, including
139 contracted professional services, and the cost of issuance of certificates;

140 (15) "Targeted industry", an industry or one of a cluster of industries that
141 is identified by the department as critical to the state's economic security and
142 growth [and affirmed as such by the joint committee on economic development
143 policy and planning established in section 620.602].

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

104.342. 1. Any person hired by the state on or after August 13, 1986, in
2 any of the positions described in this subsection shall be a member of the system
3 from the date on which such employment begins. This subsection shall apply to
4 any person duly certified under the law governing the certification of teachers
5 who is employed full time:

6 (1) As a teacher by the division of youth services;

7 (2) As a teacher by a division of the state department of social services
8 and who renders services in a school whose standards of education are set and
9 which is supervised by a public school officer of the county in which the school is
10 located, by the department of elementary and secondary education or by the
11 coordinating board for higher education;

12 (3) As a teacher by the section of inmate education of the department of
13 corrections;

14 (4) In either a teaching or supervisory teaching capacity by the
15 department of mental health, in which his or her duties include participation in

16 the educational program of the department of mental health.

17 2. Any person employed in any of the positions described in subsection 1
18 of this section immediately prior to and on August 13, 1986, may elect, in writing,
19 to:

20 (1) Become a member of the Missouri state employees' retirement system
21 effective January 1, 1987. Any person who, by virtue of an election made under
22 this subdivision, becomes a member of the Missouri state employees' retirement
23 system shall be entitled to creditable prior service credit for service rendered in
24 any of the positions described in subsection 1 of this section. Members who so
25 elect shall be eligible, upon written request filed with the public school retirement
26 system, to receive a refund of their accumulated contributions including interest
27 of six percent and upon payment of such refund, the public school retirement
28 systems shall pay to the state employees' retirement system before June 30, 1987,
29 an amount equal to the amount paid the public school retirement system on
30 behalf of each member so electing by the member's employer; or

31 (2) Remain a member of the public school retirement system of Missouri
32 created under sections 169.010 to 169.140. Any person entitled to make the
33 election provided by this subsection who does not make such election, in writing,
34 by January 1, 1987, shall be deemed to have elected to be governed by subdivision
35 (1) of this subsection.

36 3. Any person who is employed on a full-time basis by Truman State
37 University, Northwest Missouri State University, **University of** Central
38 Missouri [State University], Southeast Missouri State University, [Southwest]
39 Missouri State University, Harris-Stowe State College or Missouri Southern State
40 [College] **University**, and Missouri Western State [College] **University** shall
41 be a member of the system; except that any person who is duly certified under the
42 laws governing the certification of teachers and who is a full-time employee of
43 such institution or institutions on June 14, 1989, and is contributing because of
44 such employment to a retirement system established under sections 169.010 to
45 169.140 or sections 169.410 to 169.540, may make an election to continue in that
46 retirement system if such election is made on or before December 31, 1989. This
47 election shall not apply to any such person who commenced receiving retirement
48 benefits prior to January 1, 1990, from any state retirement system because of
49 such service.

50 4. Effective January 1, 1990, only after an affirmative referendum in
51 accordance with section 105.353, any person who is employed on a full-time basis

52 by the department of elementary and secondary education shall be a member of
53 the system; except that any person duly certified under the law governing the
54 certification of teachers who is a full-time employee at any time during the period
55 extending from June 14, 1989, through December 31, 1989, and is contributing
56 because of such employment to the retirement system established under sections
57 169.010 to 169.140, may elect to continue in that retirement system if such
58 election is made on or before December 31, 1989. This election shall not apply to
59 any such person who commenced receiving retirement benefits prior to January
60 1, 1990, from any state retirement system because of such service.

61 5. On June 14, 1989, all newly employed persons in the positions
62 described in subsection 3 of this section shall become members of the Missouri
63 state employees' retirement system. Effective January 1, 1990, and only after an
64 affirmative referendum provided for in subsection 4 of this section, all newly
65 employed persons in the positions described in subsection 4 of this section shall
66 become members of the Missouri state employees' retirement system.

67 6. Any employee actively employed on June 14, 1989, who, because of
68 employment in a position described in subsection 1, 3 or 4 of this section, has
69 creditable service in this system for such employment which at the time the
70 service was rendered was not covered by the federal Social Security Act, shall
71 remain in this system and be entitled to the benefits provided under subdivision
72 (1) of subsection 7 of this section; except that any such employee who has
73 creditable service in this system because of employment in a position described
74 in subsection 4 of this section which is not covered by the federal Social Security
75 Act on January 1, 1990, shall not be entitled to the benefits provided under
76 subdivision (1) of subsection 7 of this section for such creditable service.

77 7. Any person entitled to make the election provided by subsection 3 or
78 4 of this section, who does not make such election, in writing, on or before
79 December 31, 1989, shall be deemed to have elected to be governed by subdivision
80 (1) of this subsection:

81 (1) Those persons described in subsections 3 and 4 of this section who
82 elect or have elected by written request filed with the board to be members of this
83 system, shall be entitled to creditable prior service for service rendered in any of
84 the positions described in subsections 1, 3 and 4 of this section. Any person who
85 so elects shall be eligible, upon written request filed with the board on or before
86 March 31, 1990, with the retirement system established under sections 169.010
87 to 169.140 or sections 169.410 to 169.540, to receive a refund of the member's

88 accumulated contributions for the creditable service in any of the positions
89 described in subsections 1, 3 and 4 of this section, plus interest at an annual rate
90 of six percent computed on the refundable balance, if any, in the member's
91 account in that retirement system as of June 30, 1989. Such refunds shall be
92 made prior to June 1, 1990. If any creditable prior service transferred under
93 subsection 1, 3 or 4 of this section, or subsection 3 of section 104.372, includes
94 periods of service not covered by the federal Social Security Act, as provided in
95 sections 105.300 to [105.445] **105.430**, then, in calculating the benefit amount
96 payable to such member, the normal annuity shall be an amount equal to two and
97 one-tenth percent of the average compensation of the member multiplied by the
98 number of years of such creditable service for the positions described in
99 subsections 1, 3 and 4 of this section not covered by the federal Social Security
100 Act in addition to an amount payable under section 104.374 for all service covered
101 by the federal Social Security Act. The normal annuity as described in this
102 subdivision shall be adjusted for early retirement, if applicable;

103 (2) Any person described in subsections 3 and 4 of this section, who elects
104 to remain in one of the retirement systems established under sections 169.010 to
105 169.140 or sections 169.410 to 169.540, shall, notwithstanding any provision of
106 chapter 169 to the contrary, be a noncontributing member of such system and
107 shall receive a refund of the member's accumulated contributions for the
108 creditable service in any of the positions described in subsection 1, 3 or 4 of this
109 section, plus interest at an annual rate of six percent computed on the refundable
110 balance, if any, in the member's account in that retirement system as of June 30,
111 1989. Such refunds shall be made prior to June 1, 1990. At the time of
112 retirement under the provisions of sections 169.010 to 169.140 or sections 169.410
113 to 169.540, such person shall receive a retirement benefit computed under the
114 then existing law of that retirement system; except that, for any person employed
115 in a position described in subsection 4 of this section, the benefit shall be the
116 amount computed as though the position were not covered by the federal Social
117 Security Act, reduced by the amount of any federal Social Security benefit the
118 person may receive which is attributable to service rendered in the positions
119 described in subsection 4 of this section after December 31, 1989.

120 8. Upon payment of the refunds provided in subdivision (1) of subsection
121 7 of this section, each refunding retirement system shall pay to the state
122 employees' retirement system, by December 31, 1990, an amount actuarially
123 determined to equal the liability transferred from such retirement systems. At

124 least ninety days before each regular session of the general assembly the board
125 of trustees of the affected public school retirement system shall certify to the
126 division of budget an actuarially determined estimate of the amount which will
127 be necessary during the next appropriation period to pay all liabilities, including
128 costs of administration, which shall exist or accrue under subsections 1 through
129 7 of this section during such period. The estimate shall be computed as a level
130 percentage of payroll compensation to cover the normal cost and to amortize the
131 accrued liability over a period not to exceed forty years. The commissioner of
132 administration shall request appropriation of the amount calculated under the
133 provisions of this subsection. The commissioner of administration monthly shall
134 requisition and certify the payment to the executive secretary of the appropriate
135 school retirement system.

136 9. Notwithstanding any provisions of chapter 169 to the contrary, any
137 member who becomes a member under the provisions of subsection 2, 5, or 7 of
138 this section and who has creditable service with a public school retirement system
139 under that chapter because of employment with any employer other than those
140 defined in subsection 1, 3, or 4 of this section shall immediately vest in that
141 public school retirement system and upon attainment of the minimum retirement
142 age of that system shall be entitled to a monthly benefit based on such creditable
143 service and the law in effect at that time, provided the person does not elect to
144 withdraw the member's accumulated contributions for such creditable service
145 from that public school retirement system.

146 10. Effective July 1, 1988, the Lincoln University board of curators shall
147 terminate the Lincoln University retirement, disability and death benefit plan
148 and shall purchase through competitive bids annuities adequate to cover the
149 liability for all benefits presently being paid from such plan to former employees
150 or their surviving beneficiaries upon the death of the employee as provided by
151 such plan at the time of the commencement of benefits to such former employees
152 or beneficiaries. Lincoln University shall pay to the Missouri state employees'
153 retirement system on or before July 1, 1988, an amount equal to all funds and
154 securities thereon contained in the Lincoln University retirement, disability and
155 death benefit plan less the amount needed to purchase annuities for retiree and
156 survivor benefits.

157 11. Effective July 1, 1988, the Lincoln University board of curators shall
158 certify to the board of trustees of the Missouri state employees' retirement system
159 all persons eligible to receive but not yet receiving benefits under the Lincoln

160 University retirement, disability and death benefit plan, for service prior to June
161 30, 1988, together with the amounts payable and supporting documentation as
162 to the methods, plan provisions and data used to calculate such benefits, to the
163 satisfaction of the board of trustees of the Missouri state employees' retirement
164 system, and the Missouri state employees' retirement system shall assume
165 responsibility for payment of such benefits in the future.

166 12. Any person employed on a full-time basis by Lincoln University on or
167 after July 1, 1988, shall become a member of the Missouri state employees'
168 retirement system, and may elect in writing to receive creditable prior service for
169 all full-time service to Lincoln University if such service is not now credited the
170 member under the Missouri state employees' retirement system, and provided the
171 member elects in writing to forfeit all rights accrued under the Lincoln University
172 retirement, disability and death benefit plan for such service.

173 13. (1) Any person who is employed by Harris-Stowe State College as a
174 teacher or administrator on August 28, 1995, who was employed full time by
175 Harris-Stowe College prior to September 1, 1978, who became a member of the
176 Missouri state employees' retirement system on or after September 1, 1978, and
177 who has been continuously employed by the college, may purchase creditable
178 prior service for any service rendered to Harris-Stowe College prior to September
179 1, 1978, which is not otherwise credited under the Missouri state employees'
180 retirement system, not to exceed twelve years;

181 (2) Any person eligible to purchase creditable prior service under the
182 provisions of subdivision (1) of this subsection may make written application to
183 the board of trustees of the Missouri state employees' retirement system prior to
184 retirement, but not later than April 1, 1996. The purchase shall be effected by
185 the member and the public school retirement system of which the member was
186 previously a member paying to the Missouri state employees' retirement system
187 the following amounts:

188 (a) The amount contributed by the employee to the St. Louis public school
189 retirement system during the years of prior service with Harris-Stowe College for
190 which the employee seeks to purchase creditable prior service in the Missouri
191 state employees' retirement system, including interest which may have been
192 credited to the member's individual account with the system, or which would have
193 been credited to the account had it remained with the St. Louis public school
194 retirement system; and

195 (b) An amount which shall not be less than zero and which shall equal the

196 actuarial accrued liability of the St. Louis public school retirement system for the
197 prior service, determined as of the transfer date as if the member were still in
198 active service covered by the St. Louis public school retirement system, less the
199 amount stipulated in paragraph (a) of this subdivision;

200 (c) If the member had received a refund of contributions related to service
201 covered by the St. Louis public school retirement system, the amount stipulated
202 in paragraph (a) of this subdivision shall be paid to the Missouri state employees'
203 retirement system by the member, otherwise, such amount shall be paid to the
204 Missouri state employees' retirement system by the St. Louis public school
205 retirement system;

206 (3) Any amount payable to the Missouri state employees' retirement
207 system by the member may be paid in a lump sum or in monthly installments. If
208 paid in monthly installments, the period over which payments are being made
209 may not extend beyond the earlier of the member's retirement date or April 1,
210 1997, and shall include interest at a rate established by the board of trustees of
211 the Missouri state employees' retirement system;

212 (4) Any amounts payable to the Missouri state employees' retirement
213 system by the St. Louis public schools retirement system shall be paid in a lump
214 sum and shall not be paid later than the earlier of the member's retirement date
215 or April 1, 1997, and shall include interest at a rate established by the board of
216 trustees of the Missouri state employees' retirement system;

217 (5) Any person who elects to purchase creditable prior service under the
218 provisions of this section shall file with the St. Louis public school retirement
219 system an irrevocable waiver and release of any rights and benefits in that
220 system for the creditable prior service being purchased. The member shall file
221 with the Missouri state employees' retirement system a copy of the waiver and
222 an affidavit stating that he or she is no longer eligible to receive benefits or
223 credits in any other retirement system for the creditable prior service being
224 purchased[;

225 (6) All retirement plans defined under section 105.660 shall develop a
226 procurement action plan for utilization of minority and women money managers,
227 brokers and investment counselors. Such retirement systems shall report their
228 progress annually to the joint committee on public employee retirement and the
229 governor's minority advocacy commission].

230 14. In no event shall any person receive service credit for the same period
231 of service under more than one retirement system.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

104.1024. 1. Any member who terminates employment may retire on or
2 after attaining normal retirement eligibility by making application in written
3 form and manner approved by the appropriate board. The written application
4 shall set forth the annuity starting date which shall not be earlier than the first
5 day of the second month following the month of the execution and filing of the
6 member's application for retirement nor later than the first day of the fourth
7 month following the month of the execution and filing of the member's application
8 for retirement. The payment of the annuity shall be made the last working day
9 of each month, providing all documentation required under section 104.1027 for
10 the calculation and payment of the benefits is received by the board.

11 2. A member's annuity shall be paid in the form of a life annuity, except
12 as provided in section 104.1027, and shall be an amount for life equal to one and
13 seven-tenths percent of the final average pay of the member multiplied by the
14 member's years of credited service.

15 3. The life annuity defined in subsection 2 of this section shall not be less
16 than a monthly amount equal to fifteen dollars multiplied by the member's full
17 years of credited service.

18 4. If as of the annuity starting date of a member who has attained normal
19 retirement eligibility the sum of the member's years of age and years of credited
20 service equals eighty or more years and if the member's age is at least forty-eight
21 years but less than sixty-two years, or, in the case of a member of the highway
22 patrol who shall be subject to the mandatory retirement provision of section
23 104.080, the mandatory retirement age and completion of five years of credited
24 service, then in addition to the life annuity described in subsection 2 of this
25 section, the member shall receive a temporary annuity equal to eight-tenths of
26 one percent of the member's final average pay multiplied by the member's years
27 of credited service. The temporary annuity and any cost-of-living adjustments
28 attributable to the temporary annuity pursuant to section 104.1045 shall
29 terminate at the end of the calendar month in which the earlier of the following
30 events occurs: the member's death or the member's attainment of the earliest age
31 of eligibility for reduced Social Security retirement benefits, but no later than age
32 sixty-two.

33 5. The annuity described in subsection 2 of this section for any person
34 who has credited service not covered by the federal Social Security Act, as

35 provided in sections 105.300 to [105.445] **105.430**, shall be calculated as follows:
36 the life annuity shall be an amount equal to two and five-tenths percent of the
37 final average pay of the member multiplied by the number of years of service not
38 covered by the federal Social Security Act in addition to one and seven-tenths
39 percent of the final average pay of the member multiplied by the member's years
40 of credited service covered by the federal Social Security Act.

41 6. Effective July 1, 2002, any member, except an elected official or a
42 member of the general assembly, who has not been paid retirement benefits and
43 continues employment for at least two years beyond the date of normal retirement
44 eligibility, may elect to receive an annuity and lump sum payment or payments,
45 determined as follows:

46 (1) A retroactive starting date shall be established which shall be a date
47 selected by the member; provided, however, that the retroactive starting date
48 selected by the member shall not be a date which is earlier than the date when
49 a normal annuity would have first been payable. In addition, the retroactive
50 starting date shall not be more than five years prior to the annuity starting
51 date. The member's selection of a retroactive starting date shall be done in
52 twelve-month increments, except this restriction shall not apply when the
53 member selects the total available time between the retroactive starting date and
54 the annuity starting date;

55 (2) The prospective annuity payable as of the annuity starting date shall
56 be determined pursuant to the provisions of this section, with the exception that
57 it shall be the amount which would have been payable at the annuity starting
58 date had the member actually retired on the retroactive starting date under the
59 retirement plan selected by the member. Other than for the lump sum payment
60 or payments specified in subdivision (3) of this subsection, no other amount shall
61 be due for the period between the retroactive starting date and the annuity
62 starting date;

63 (3) The lump sum payable shall be ninety percent of the annuity amounts
64 which would have been paid to the member from the retroactive starting date to
65 the annuity starting date had the member actually retired on the retroactive
66 starting date and received a life annuity. The member shall elect to receive the
67 lump sum amount either in its entirety at the same time as the initial annuity
68 payment is made or in three equal annual installments with the first payment
69 made at the same time as the initial annuity payment;

70 (4) Any annuity payable pursuant to this section that is subject to a

71 division of benefit order pursuant to section 104.1051 shall be calculated as
72 follows:

73 (a) Any service of a member between the retroactive starting date and the
74 annuity starting date shall not be considered credited service except for purposes
75 of calculating the division of benefit; and

76 (b) The lump sum payment described in subdivision (3) of this section
77 shall not be subject to any division of benefit order; and

78 (5) For purposes of determining annual benefit increases payable as part
79 of the lump sum and annuity provided pursuant to this section, the retroactive
80 starting date shall be considered the member's date of retirement.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.300. When used in sections 105.300 to [105.440] **105.430**, the
2 following terms mean:

3 (1) "Applicable federal law", those provisions of the federal law, including
4 federal regulations and requirements issued pursuant thereto which provide for
5 the extension of the benefits of Title 2 of the Social Security Act (42 U.S.C.A. §
6 401 et seq.) to employees of states, political subdivisions and their
7 instrumentalities;

8 (2) "Employee", elective or appointive officers and employees of the state,
9 including members of the general assembly, and elective or appointive officers
10 and employees of any political subdivision of the state, including county officers
11 remunerated wholly by fees from sources other than county funds, or any
12 instrumentality of either the state or such political subdivisions; and employees
13 of a group of two or more political subdivisions of the state organized to perform
14 common functions or services;

15 (3) "Employee tax", the tax imposed by section 1400 of the federal Internal
16 Revenue Code of 1939 and section 3101 of the federal Internal Revenue Code of
17 1954;

18 (4) "Employment", any service performed by any employee of the state or
19 any of its political subdivisions or any instrumentality of either of them, which
20 may be covered, under applicable federal law, in the agreement between the state
21 and the [Secretary of Health, Education and Welfare] **Commissioner of the**
22 **Social Security Administration**, except services, which in the absence of an
23 agreement entered into under sections 105.300 to [105.440] **105.430** would
24 constitute "employment" as defined in section 210 of the Social Security Act (42

25 U.S.C.A. § 410); any services performed by an employee as a member of a
26 coverage group, in positions covered by a retirement system on the date such
27 agreement is made applicable to such coverage group, which retirement system
28 is supported wholly or in part by the state or any of its instrumentalities or
29 political subdivisions, shall not be considered as "employment" within the
30 meaning of sections 105.300 to [105.440] **105.430**; however, service which under
31 the Social Security Act may be included only upon certification by the governor
32 **or designee** in accordance with section 218(d)(3) of that act shall be included in
33 the term "employment" if and when the governor **or designee** issues, with
34 respect to such service, a certificate to the [Secretary of Health, Education and
35 Welfare pursuant to] **Commissioner of the Social Security Administration**
36 **under** section 105.353;

37 (5) "Federal agency", any federal officer, department, or agency which is
38 charged on behalf of the federal government with the particular federal function
39 referred to in connection with such term;

40 (6) "Federal Insurance Contributions Act", subchapter A of chapter 9 of
41 the federal Internal Revenue Code of 1939 and subchapters A and B of chapter
42 21 of the federal Internal Revenue Code of 1954, as such codes have been and
43 may be amended;

44 (7) "Instrumentality", an instrumentality of a state or of one or more of
45 its political subdivisions but only if such instrumentality is a juristic entity which
46 is legally separate and distinct from the state or such political subdivision and
47 whose employees are not by virtue of their relation to such juristic entity
48 employees of the state or such subdivision;

49 (8) "Political subdivision", any county, township, municipal corporation,
50 school district, or other governmental entity of equivalent rank;

51 (9) "Social Security Act", the act of Congress approved August 14, 1935,
52 Title 42, Chapter 7, United States Code, officially cited as the "Social Security
53 Act", (42 U.S.C.A. § 401, et seq.), as such act has been and may from time to time
54 be amended;

55 (10) "State administrator", director, division of accounting, office of
56 administration;

57 (11) "State agency", office of administration, division of accounting;

58 (12) "Wages", all remuneration for employment as defined herein,
59 including the cash value of all remuneration paid in any medium other than cash,
60 except that the term shall not include that part of such remuneration which, even

61 if it were for "employment" within the meaning of the federal Insurance
62 Contributions Act, would not constitute "wages" within the meaning of that act.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.310. 1. The state agency, with the approval of the governor, shall
2 enter into on behalf of the state an agreement with the [Secretary of Health and
3 Human Services] **Commissioner of the Social Security Administration**,
4 consistent with sections 105.300 to [105.440] **105.430**, for the purpose of
5 extending the benefits of the federal old age and survivors insurance system to
6 employees of the state or of any of its political subdivisions, or of any
7 instrumentality of any one or more of them, with respect to services specified in
8 such agreement, which constitute employment as defined in section
9 105.300. Such agreement may contain provisions relating to coverage, benefits,
10 contributions, effective date, modifications and termination of the agreement,
11 administration and other appropriate provisions, and except as otherwise
12 required by the Social Security Act as to the services to be covered, such
13 agreement shall provide that benefits will be granted to employees whose services
14 are covered by the agreement, their dependents and survivors, on the same basis
15 as though the services constituted employment within the meaning of Title 2 of
16 the Social Security Act (42 U.S.C.A. § 401 et seq.).

17 2. A modification entered into after December 31, 1954, and prior to
18 January 1, 1958, may be effective with respect to services performed after
19 December 31, 1954, or after a later date specified in the modification.

20 3. All services which constitute employment as defined in section 105.300
21 and are performed in the employ of the state by employees of the state shall be
22 covered by the agreement.

23 4. [All services shall be covered by the agreement which:

24 (1) Constitute employment as defined in section 105.300;

25 (2) Are performed in the employ of a political subdivision or in the employ
26 of an instrumentality of either the state or a political subdivision; except services
27 performed in the employ of any municipality in connection with its operation of
28 a public transportation system as defined in section 210(1) of the Social Security
29 Act (42 U.S.C.A. § 410); and there is hereby granted to the governing body of such
30 municipality and the officers in charge of such transportation system such powers
31 and authority as may be necessary to comply with the Social Security Act in
32 extending the benefits of the federal old age and survivors insurance system to

33 the employees of such public transportation system; and

34 (3) Are covered by a plan which is in conformity with the terms of the
35 agreement approved by the state agency under section 105.350] **Services which**
36 **constitute employment as defined in section 105.300 and Section 210 of**
37 **the Social Security Act, 42 U.S.C. Section 410, and are performed in the**
38 **employ of a political subdivision or instrumentality of the state may be**
39 **covered as defined by the terms of the agreement; except for specific**
40 **services required in Section 210(7)(F) of the Social Security Act (42**
41 **U.S.C. 410, as amended) for which such sections are excluded from**
42 **coverage.**

43 5. As modified the agreement shall include all services described in either
44 subsection 3 or 4 of this section and performed by individuals in positions covered
45 by a retirement system with respect to which the governor **or designee** has
46 issued a certificate to the [Secretary of Health and Human Services pursuant to]
47 **Commissioner of the Social Security Administration under** section
48 105.353.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.330. Any instrumentality jointly created by this state and any other
2 state or states is hereby authorized upon the granting of like authority by such
3 other state or states:

4 (1) To enter into an agreement with the [Secretary of Health, Education
5 and Welfare] **Commissioner of the Social Security Administration** whereby
6 the benefits of the federal old age and survivors insurance system shall be
7 extended to employees of such instrumentality;

8 (2) To require its employees to pay, and for that purpose deduct from their
9 wages, contributions equal to the amounts which they would be required to pay
10 under section 105.340, subsection 1, if they were covered by an agreement made
11 pursuant to section 105.310;

12 (3) To make payments to the Secretary of the Treasury in accordance with
13 such agreement, including payments from its own funds, and otherwise to comply
14 with such agreements. Such agreement, to the extent practicable, shall be
15 consistent with the provisions of sections 105.300 to [105.440] **105.430.**

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.340. 1. Every employee of the state whose services are covered by an

2 agreement entered into under section 105.310 shall be required to pay for the
3 period of coverage to the trustee contributions with respect to wages equal to the
4 amount of the employee tax which would be imposed by the Federal Insurance
5 Contributions Act (26 U.S.C.A. § 1400). The liability shall arise in consideration
6 of the employee's retention in the service, or his entry upon service after the
7 passage of sections 105.300 to [105.440] **105.430**.

8 2. The contributions imposed by this section shall be collected by the
9 trustee by deducting the amount of the contributions from wages paid, but failure
10 to make the deductions shall not relieve the employee from liability for the
11 contribution.

12 3. If more or less than the correct amount of the employee's contribution
13 is paid or deducted with respect to any remuneration, proper adjustments or
14 refund shall be made, without interest, in such manner and at such times as the
15 state agency shall prescribe.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.350. 1. Each political subdivision of the state and each
2 instrumentality of the state or of a political subdivision may submit for approval
3 by the state agency a plan for extending the benefits of Title 2 of the Social
4 Security Act (42 U.S.C.A. § 401 et seq.) to its employees, and are hereby
5 authorized to, by proper ordinance or resolution, enter into and ratify any such
6 agreement upon its approval as aforesaid. Two or more political subdivisions or
7 instrumentalities may form a joint plan if, in the absence of such joint plan,
8 because of the requirements of the agreement entered into pursuant to section
9 105.310, or because of any requirement imposed by federal law, any subdivision
10 included in such unit would be unable to submit an approvable plan.

11 2. Each plan or any amendment thereof shall be approved by the state
12 agency if it finds that such plan is in conformity with the requirements provided
13 by the regulations of the state agency, except that no plan shall be approved
14 unless:

15 (1) It is in conformity with the requirements of the applicable federal law
16 and with the agreement entered into under section 105.310;

17 (2) It provides that all services which constitute employment as defined
18 in section 105.300 and are performed in the employ of the political subdivision or
19 instrumentality, or in the employ of any member of a joint coverage unit are
20 covered by the plan;

21 (3) It specifies the source or sources from which the funds necessary to
22 make the payments required by section 105.370 are to be derived and contains
23 reasonable assurance that such sources will be adequate for such purpose;

24 (4) It provides for methods of administration of the plan by the political
25 subdivision or instrumentality or members of the joint coverage unit as are found
26 by the state agency to be necessary for the proper and efficient administration of
27 the plan[;

28 (5) It provides that the political subdivision or instrumentality or
29 members of the joint coverage unit shall make reports, in the form and containing
30 such information as the state agency may from time to time require, and that it
31 shall comply with all provisions which the state or federal agency may find
32 necessary to assure the correctness and verification of such reports].

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.353. 1. Upon the request of the governing body of a **coverage group**
2 **covered by a** retirement system, the governor shall authorize a referendum
3 supervised by the office of administration, in accordance with the requirements
4 of section 218(d)(3) of the Social Security Act, on the question of whether service
5 in positions covered by a retirement system established by the state or by a
6 political subdivision thereof should be excluded from or included under an
7 agreement under sections 105.300 to [105.440] **105.430**. The notice required by
8 section 218(d)(3)(C) of the Social Security Act to be given to employees shall
9 contain or be accompanied by a statement, in such form and detail necessary and
10 sufficient, to inform the employees of the rights which will accrue to them and
11 their dependents and survivors, and the liabilities to which they will be subject,
12 if their services are included under an agreement under sections 105.300 to
13 [105.440] **105.430**. The public school retirement system of Missouri shall
14 constitute a single retirement system and vote in a single referendum except that
15 each state college and teachers' college and the department of elementary and
16 secondary education shall be treated as a separate retirement system, shall vote
17 in a separate referendum and shall determine its coverage independently of
18 action taken by any other entity.

19 2. Upon receiving evidence satisfactory to him that with respect to any
20 referendum the conditions specified in section 218(d)(3) of the Social Security Act
21 have been met, the governor **or designee** shall so certify to the [Secretary of
22 Health, Education and Welfare] **Commissioner of the Social Security**

23 Administration.

24 3. In the event the employees in positions covered by the public school
25 retirement system of Missouri, except employees of any state college [or state
26 teachers' college], vote to be included under an agreement under sections 105.300
27 to [105.440] **105.430**, the employing political subdivision, instrumentalities and
28 the state shall enter into and execute an agreement with the state agency for
29 extending the benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et
30 seq.) to their employees.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.370. 1. Each political subdivision or instrumentality whose plan has
2 been approved under section 105.350 shall pay to the [trustee with respect to
3 wages at such times as the state agency may prescribe contributions in the
4 amounts and at the rates specified in the agreement entered into by the state
5 agency] **Internal Revenue Service contributions, together with any**
6 **applicable interest and penalties, in the amounts and at the rates**
7 **prescribed by federal law.**

8 2. Each political subdivision or instrumentality required to make
9 payments under sections 105.300 to [105.440] **105.430** is authorized, in
10 consideration of the employee's retention in, or entry upon, employment after the
11 passage of sections 105.300 to [105.440] **105.430**, to impose upon its employees,
12 as to services which are covered by an approved plan, a contribution with respect
13 to wages, not exceeding the amount of the employee tax which would be imposed
14 by the Federal Insurance Contributions Act (26 U.S.C.A. § 1400) and to deduct
15 the amount of the contribution from the wages when paid. Contributions so
16 collected shall be paid to the [trustee] **Internal Revenue Service** in partial
17 discharge of the liability of the political subdivision or instrumentality. Failure
18 to deduct the contribution shall not relieve the employee or employer of liability
19 therefor.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.375. Any county officer who is compensated wholly by fees derived
2 from sources other than county or state moneys shall pay into the county treasury
3 out of fees received by him amounts equal to the contributions required to be paid
4 by the county under section 105.370 and shall collect from all deputies, assistants
5 and employees in his office and turn over to the officer or agent of the county

6 charged with the payment thereof to the [state agency] **Internal Revenue**
7 **Service** the amounts required to be collected and paid under section 105.370.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.390. 1. The state treasurer is appointed trustee of the old age and
2 survivors insurance contributions. The trustee shall deposit in one or more banks
3 or trust companies to the credit of the trust the following:

4 (1) All contributions, interest and penalties collected under [sections
5 105.340 to 105.385] **section 105.340**;

6 (2) All moneys appropriated thereto;

7 (3) [All moneys paid to the state pursuant to any agreement entered into
8 under section 105.350;

9 (4)] Any property or securities and earnings thereof acquired through the
10 use of the moneys in the account; and

11 [(5)] **(4)** All sums recovered upon the bond of the trustee or otherwise for
12 losses sustained by the account and all other moneys received for the account
13 from any other source.

14 2. No money shall be deposited in or be retained by any bank or trust
15 company which does not have on deposit with and for the trustee at the time the
16 kind and value of collateral required by section 30.270 for depositaries of the
17 state treasurer.

18 3. All moneys in the trustee's account shall be mingled and undivided.
19 Subject to the provisions of sections 105.300 to [105.440] **105.430**, the trustee is
20 vested with full power, authority and jurisdiction over the account, including all
21 moneys and property or securities belonging thereto, and may perform any and
22 all acts which are necessary to the administration thereof consistent with the
23 provisions of sections 105.300 to [105.440] **105.430**, except that all withdrawals
24 from the trustee's account shall be accompanied by a certification of the director
25 of the division of accounting that the withdrawal is in the correct amount and for
26 a proper and legal purpose.

27 4. The trustee's account shall be held separate and apart from any other
28 funds or moneys of the state and shall be used and administered exclusively for
29 the purpose of sections 105.300 to [105.440] **105.430**. Withdrawals from such
30 account shall be made solely for:

31 (1) Payment of amounts required to be paid to the federal agency
32 [pursuant to an agreement entered into under section 105.310];

- 33 (2) Payments of refunds provided for in section 105.340; **or**
34 (3) [Refunds of overpayments, not otherwise adjustable, made by a
35 political subdivision or instrumentality; or
36 (4)] Investing part or all of the account in United States obligations or for
37 placing part or all of the account in open account time deposits in banking
38 institutions in this state selected by the state treasurer and approved by the
39 governor and state auditor.
- 40 5. All interest received from the investment or deposit of funds from this
41 account and all interest and penalties collected but not remitted to the federal
42 agency shall be credited by the state treasurer to general revenue.
- 43 6. From his account the trustee shall pay to the federal agency such
44 amounts and at such times as may be directed by the state agency in accordance
45 with any agreement entered into under section 105.310.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.400. The director of the division of accounting at such times as may
2 be prescribed by federal law or regulation shall certify to the state treasurer the
3 amount of the state's share of the contributions required to be paid to the federal
4 agency on account of the officers and employees of each department, division, **or**
5 agency [or unit of state government whose services are covered by an agreement
6 entered into under section 105.310] **of the state**. Thereupon the state treasurer
7 shall immediately transfer such amounts from the proper funds from which the
8 officers and employees were paid to the "Contribution Fund" which is hereby
9 created.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.420. There are hereby authorized to be appropriated to the trustee [in
2 addition to the contributions paid into the account under sections 105.340 to
3 105.375, to be available for the purpose of subsections 4 and 5 of section 105.390,
4 until expended, such additional] **such** sums as are found to be necessary in order
5 to make the payments to the federal agency which the state is obligated to make
6 [pursuant to an agreement entered into under section 105.310].

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE
CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.430. The state agency shall make and publish such rules and
2 regulations, not inconsistent with the provisions of sections 105.300 to [105.440]

3 **105.430**, as it finds necessary to the efficient administration of the provisions of
4 sections 105.300 to [105.440] **105.430**.

EXPLANATION: REMOVES LANGUAGE REFERRING TO THE JOINT
COMMITTEE ON ECONOMIC POLICY AND PLANNING WHICH WAS
REPEALED IN 2014:

135.210. 1. Any governing authority which desires to have any portion
2 of a city or unincorporated area of a county under its control designated as an
3 enterprise zone shall hold a public hearing for the purpose of obtaining the
4 opinion and suggestions of those persons who will be affected by such
5 designation. The governing authority shall notify the director of such hearing at
6 least thirty days prior thereto and shall publish notice of such hearing in a
7 newspaper of general circulation in the area to be affected by such designation
8 at least twenty days prior to the date of the hearing but not more than thirty
9 days prior to such hearing. Such notice shall state the time, location, date and
10 purpose of the hearing. The director, or the director's designee, shall attend such
11 hearing.

12 2. After a public hearing is held as required in subsection 1 of this
13 section, the governing authority may file a petition with the department
14 requesting the designation of a specific area as an enterprise zone. Such petition
15 shall include, in addition to a description of the physical, social, and economic
16 characteristics of the area:

17 (1) A plan to provide adequate police protection within the area;

18 (2) A specific and practical process for individual businesses to obtain
19 waivers from burdensome local regulations, ordinances, and orders which serve
20 to discourage economic development within the area to be designated an
21 enterprise zone; except that, such waivers shall not substantially endanger the
22 health or safety of the employees of any such business or the residents of the
23 area;

24 (3) A description of what other specific actions will be taken to support
25 and encourage private investment within the area;

26 (4) A plan to ensure that resources are available to assist area residents
27 to participate in increased development through self-help efforts and in
28 ameliorating any negative effects of designation of the area as an enterprise zone;

29 (5) A statement describing the projected positive and negative effects of
30 designation of the area as an enterprise zone; and

31 (6) A specific plan to provide assistance to any person or business

32 dislocated as a result of activities within the zone. Such plan shall determine the
33 need of dislocated persons for relocation assistance; provide, prior to
34 displacement, information about the type, location and price of comparable
35 housing or commercial property; provide information concerning state and federal
36 programs for relocation assistance and provide other advisory services to
37 displaced persons. Public agencies may choose to provide assistance under the
38 Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. section 4601,
39 et seq. to meet the requirements of this subdivision.

40 3. [Notwithstanding the provisions of section 135.250, the director of the
41 department of economic development shall, prior to the designation of any
42 enterprise zone, submit to the joint committee on economic development policy
43 and planning, established in section 620.602, rules and regulations pertaining to
44 the designation of enterprise zones. Following approval by the joint committee,
45 such rules and regulations shall be issued pursuant to the provisions of section
46 536.021. Upon approval of an enterprise zone designation by the department, the
47 director shall submit such enterprise zone designation to the joint committee for
48 its approval. An enterprise zone designation shall be effective upon such
49 approval by the joint committee. The director shall report annually to the joint
50 committee the number and location of all enterprise zones designated, together
51 with the business activity within each designated enterprise zone.

52 4.] No more than fifty such areas may be designated by the director as an
53 enterprise zone under the provisions of this subsection, except that any enterprise
54 zones authorized apart from this subsection by specific legislative enactment, on
55 or after August 28, 1991, shall not be counted toward the limitation set forth in
56 this subsection. After fifty enterprise zones, plus any others authorized apart
57 from this subsection by specific legislative enactment first designated on or after
58 August 28, 1991, have been designated by the director, additional enterprise
59 zones may be authorized apart from this subsection by specific legislative
60 enactment, except that if an enterprise zone designation is cancelled under the
61 provision of subsection [5] 4 of this section, the director may designate one area
62 as an enterprise zone for each enterprise zone designation which is cancelled.

63 [5.] 4. Each designated enterprise zone or satellite zone must report to
64 the director on an annual basis regarding the status of the zone and business
65 activity within the zone. On the fifth anniversary of the designation of each zone
66 after August 8, 1989, and each five years thereafter, the director shall evaluate
67 the activity which has occurred within the zone during the previous five-year

68 period, including business investments and the creation of new jobs. [The
69 director shall present the director's evaluation to the joint legislative committee
70 on economic development policy and planning.] If the director finds that the plan
71 outlined in the application for designation was not implemented in good faith, or
72 if such zone no longer qualifies under the original criteria, or if the director finds
73 that the zone is not being effectively promoted or developed, the director may
74 recommend [to the committee] that the designation of that area as an enterprise
75 zone be cancelled. All agreements negotiated under the benefits of such zone
76 shall remain in effect for the originally agreed upon duration. The [committee]
77 **director** shall schedule a hearing on such recommendation for not later than
78 sixty days after the recommendation is filed with it. At the hearing, interested
79 parties, including the director, may present witnesses and evidence as to why the
80 enterprise zone designation for that particular area should be continued or
81 cancelled. Within thirty days after the hearing, the [committee] **director** shall
82 determine whether or not the designation should be continued. If it is not
83 continued, the director shall remove the designation from the area and, following
84 the procedures outlined in this section, award the designation of an enterprise
85 zone to another applicant. If an area has requested a designated enterprise zone,
86 and met all existing statutory requirements, but has not been designated such,
87 then the applicant may appeal [to the joint legislative committee on economic
88 development policy and planning] for a hearing to determine its eligibility for
89 such a designation. [The review of the director's evaluation and the hearing
90 thereon, and any appeal as provided for in this subsection, by the joint legislative
91 committee on economic development policy and planning shall be an additional
92 duty for that body.]

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

- 135.311. When applying for a tax credit the wood energy producer shall
- 2 make application for the credit to the division of energy of the department of
- 3 [natural resources] **economic development**. The application shall include:
- 4 (1) The number of tons of processed wood products produced during the
- 5 preceding calendar year;
- 6 (2) The name and address of the person to whom processed products were
- 7 sold and the number of tons sold to each person;
- 8 (3) Other information which the department of [natural resources]

9 **economic development** reasonably requires. The application shall be received
10 and reviewed by the division of energy of the department of [natural resources]
11 **economic development** and the division shall certify to the department of
12 revenue each applicant which qualifies as a wood energy-producing facility.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

135.950. The following terms, whenever used in sections 135.950 to
2 135.970 mean:

- 3 (1) "Average wage", the new payroll divided by the number of new jobs;
- 4 (2) "Blighted area", an area which, by reason of the predominance of
5 defective or inadequate street layout, unsanitary or unsafe conditions,
6 deterioration of site improvements, improper subdivision or obsolete platting, or
7 the existence of conditions which endanger life or property by fire and other
8 causes, or any combination of such factors, retards the provision of housing
9 accommodations or constitutes an economic or social liability or a menace to the
10 public health, safety, morals, or welfare in its present condition and use. The
11 term "blighted area" shall also include any area which produces or generates or
12 has the potential to produce or generate electrical energy from a renewable
13 energy resource, and which, by reason of obsolescence, decadence, blight,
14 dilapidation, deteriorating or inadequate site improvements, substandard
15 conditions, the predominance or defective or inadequate street layout, unsanitary
16 or unsafe conditions, improper subdivision or obsolete platting, or the existence
17 of conditions which endanger the life or property by fire or other means, or any
18 combination of such factors, is underutilized, unutilized, or diminishes the
19 economic usefulness of the land, improvements, or lock and dam site within such
20 area for the production, generation, conversion, and conveyance of electrical
21 energy from a renewable energy resource;
- 22 (3) "Board", an enhanced enterprise zone board established pursuant to
23 section 135.957;
- 24 (4) "Commencement of commercial operations" shall be deemed to occur
25 during the first taxable year for which the new business facility is first put into
26 use by the taxpayer in the enhanced business enterprise in which the taxpayer
27 intends to use the new business facility;
- 28 (5) "County average wage", the average wages in each county as
29 determined by the department for the most recently completed full calendar

30 year. However, if the computed county average wage is above the statewide
31 average wage, the statewide average wage shall be deemed the county average
32 wage for such county for the purpose of determining eligibility. The department
33 shall publish the county average wage for each county at least
34 annually. Notwithstanding the provisions of this subdivision to the contrary, for
35 any taxpayer that in conjunction with their project is relocating employees from
36 a Missouri county with a higher county average wage, such taxpayer shall obtain
37 the endorsement of the governing body of the community from which jobs are
38 being relocated or the county average wage for their project shall be the county
39 average wage for the county from which the employees are being relocated;

40 (6) "Department", the department of economic development;

41 (7) "Director", the director of the department of economic development;

42 (8) "Employee", a person employed by the enhanced business enterprise
43 that is scheduled to work an average of at least one thousand hours per year, and
44 such person at all times has health insurance offered to him or her, which is
45 partially paid for by the employer;

46 (9) "Enhanced business enterprise", an industry or one of a cluster of
47 industries that is either:

48 (a) Identified by the department as critical to the state's economic security
49 and growth; or

50 (b) Will have an impact on industry cluster development, as identified by
51 the governing authority in its application for designation of an enhanced
52 enterprise zone and approved by the department; but excluding gambling
53 establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and
54 45), educational services (NAICS sector 61), religious organizations (NAICS
55 industry group 8131), public administration (NAICS sector 92), and food and
56 drinking places (NAICS subsector 722), however, notwithstanding provisions of
57 this section to the contrary, headquarters or administrative offices of an
58 otherwise excluded business may qualify for benefits if the offices serve a
59 multistate territory. In the event a national, state, or regional headquarters
60 operation is not the predominant activity of a project facility, the new jobs and
61 investment of such headquarters operation is considered eligible for benefits
62 under this section if the other requirements are satisfied. Service industries may
63 be eligible only if a majority of its annual revenues will be derived from out of the
64 state;

65 (10) "Existing business facility", any facility in this state which was

66 employed by the taxpayer claiming the credit in the operation of an enhanced
67 business enterprise immediately prior to an expansion, acquisition, addition, or
68 replacement;

69 (11) "Facility", any building used as an enhanced business enterprise
70 located within an enhanced enterprise zone, including the land on which the
71 facility is located and all machinery, equipment, and other real and depreciable
72 tangible personal property acquired for use at and located at or within such
73 facility and used in connection with the operation of such facility;

74 (12) "Facility base employment", the greater of the number of employees
75 located at the facility on the date of the notice of intent, or for the twelve-month
76 period prior to the date of the notice of intent, the average number of employees
77 located at the facility, or in the event the project facility has not been in operation
78 for a full twelve-month period, the average number of employees for the number
79 of months the facility has been in operation prior to the date of the notice of
80 intent;

81 (13) "Facility base payroll", the total amount of taxable wages paid by the
82 enhanced business enterprise to employees of the enhanced business enterprise
83 located at the facility in the twelve months prior to the notice of intent, not
84 including the payroll of owners of the enhanced business enterprise unless the
85 enhanced business enterprise is participating in an employee stock ownership
86 plan. For the purposes of calculating the benefits under this program, the
87 amount of base payroll shall increase each year based on the consumer price
88 index or other comparable measure, as determined by the department;

89 (14) "Governing authority", the body holding primary legislative authority
90 over a county or incorporated municipality;

91 (15) "Megaproject", any manufacturing or assembling facility, approved
92 by the department for construction and operation within an enhanced enterprise
93 zone, which satisfies the following:

94 (a) The new capital investment is projected to exceed three hundred
95 million dollars over a period of eight years from the date of approval by the
96 department;

97 (b) The number of new jobs is projected to exceed one thousand over a
98 period of eight years beginning on the date of approval by the department;

99 (c) The average wage of new jobs to be created shall exceed the county
100 average wage;

101 (d) The taxpayer shall offer health insurance to all new jobs and pay at

102 least eighty percent of such insurance premiums; and

103 (e) An acceptable plan of repayment, to the state, of the tax credits
104 provided for the megaproject has been provided by the taxpayer;

105 (16) "NAICS", the 1997 edition of the North American Industry
106 Classification System as prepared by the Executive Office of the President, Office
107 of Management and Budget. Any NAICS sector, subsector, industry group or
108 industry identified in this section shall include its corresponding classification in
109 subsequent federal industry classification systems;

110 (17) "New business facility", a facility that does not produce or generate
111 electrical energy from a renewable energy resource and satisfies the following
112 requirements:

113 (a) Such facility is employed by the taxpayer in the operation of an
114 enhanced business enterprise. Such facility shall not be considered a new
115 business facility in the hands of the taxpayer if the taxpayer's only activity with
116 respect to such facility is to lease it to another person or persons. If the taxpayer
117 employs only a portion of such facility in the operation of an enhanced business
118 enterprise, and leases another portion of such facility to another person or
119 persons or does not otherwise use such other portions in the operation of an
120 enhanced business enterprise, the portion employed by the taxpayer in the
121 operation of an enhanced business enterprise shall be considered a new business
122 facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are
123 satisfied;

124 (b) Such facility is acquired by, or leased to, the taxpayer after December
125 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the
126 taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the
127 transfer of possession pursuant to a binding contract to transfer title to the
128 taxpayer, or the commencement of the term of the lease to the taxpayer occurs
129 after December 31, 2004;

130 (c) If such facility was acquired by the taxpayer from another taxpayer
131 and such facility was employed immediately prior to the acquisition by another
132 taxpayer in the operation of an enhanced business enterprise, the operation of the
133 same or a substantially similar enhanced business enterprise is not continued by
134 the taxpayer at such facility; and

135 (d) Such facility is not a replacement business facility, as defined in
136 subdivision (27) of this section;

137 (18) "New business facility employee", an employee of the taxpayer in the

138 operation of a new business facility during the taxable year for which the credit
139 allowed by section 135.967 is claimed, except that truck drivers and rail and
140 barge vehicle operators and other operators of rolling stock for hire shall not
141 constitute new business facility employees;

142 (19) "New business facility investment", the value of real and depreciable
143 tangible personal property, acquired by the taxpayer as part of the new business
144 facility, which is used by the taxpayer in the operation of the new business
145 facility, during the taxable year for which the credit allowed by 135.967 is
146 claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge
147 vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges,
148 tunnels, and rail yards and spurs shall not constitute new business facility
149 investments. The total value of such property during such taxable year shall be:

150 (a) Its original cost if owned by the taxpayer; or

151 (b) Eight times the net annual rental rate, if leased by the taxpayer. The
152 net annual rental rate shall be the annual rental rate paid by the taxpayer less
153 any annual rental rate received by the taxpayer from subrentals. The new
154 business facility investment shall be determined by dividing by twelve the sum
155 of the total value of such property on the last business day of each calendar
156 month of the taxable year. If the new business facility is in operation for less
157 than an entire taxable year, the new business facility investment shall be
158 determined by dividing the sum of the total value of such property on the last
159 business day of each full calendar month during the portion of such taxable year
160 during which the new business facility was in operation by the number of full
161 calendar months during such period;

162 (20) "New job", the number of employees located at the facility that
163 exceeds the facility base employment less any decrease in the number of the
164 employees at related facilities below the related facility base employment. No job
165 that was created prior to the date of the notice of intent shall be deemed a new
166 job;

167 (21) "Notice of intent", a form developed by the department which is
168 completed by the enhanced business enterprise and submitted to the department
169 which states the enhanced business enterprise's intent to hire new jobs and
170 request benefits under such program;

171 (22) "Related facility", a facility operated by the enhanced business
172 enterprise or a related company in this state that is directly related to the
173 operation of the project facility;

- 174 (23) "Related facility base employment", the greater of:
175 (a) The number of employees located at all related facilities on the date
176 of the notice of intent; or
177 (b) For the twelve-month period prior to the date of the notice of intent,
178 the average number of employees located at all related facilities of the enhanced
179 business enterprise or a related company located in this state;
- 180 (24) "Related taxpayer":
181 (a) A corporation, partnership, trust, or association controlled by the
182 taxpayer;
183 (b) An individual, corporation, partnership, trust, or association in control
184 of the taxpayer; or
185 (c) A corporation, partnership, trust or association controlled by an
186 individual, corporation, partnership, trust or association in control of the
187 taxpayer. "Control of a corporation" shall mean ownership, directly or indirectly,
188 of stock possessing at least fifty percent of the total combined voting power of all
189 classes of stock entitled to vote, "control of a partnership or association" shall
190 mean ownership of at least fifty percent of the capital or profits interest in such
191 partnership or association, and "control of a trust" shall mean ownership, directly
192 or indirectly, of at least fifty percent of the beneficial interest in the principal or
193 income of such trust; ownership shall be determined as provided in Section 318
194 of the Internal Revenue Code of 1986, as amended;
- 195 (25) "Renewable energy generation zone", an area which has been found,
196 by a resolution or ordinance adopted by the governing authority having
197 jurisdiction of such area, to be a blighted area and which contains land,
198 improvements, or a lock and dam site which is unutilized or underutilized for the
199 production, generation, conversion, and conveyance of electrical energy from a
200 renewable energy resource;
- 201 (26) "Renewable energy resource", shall include:
202 (a) Wind;
203 (b) Solar thermal sources or photovoltaic cells and panels;
204 (c) Dedicated crops grown for energy production;
205 (d) Cellulosic agricultural residues;
206 (e) Plant residues;
207 (f) Methane from landfills, agricultural operations, or wastewater
208 treatment;
209 (g) Thermal depolymerization or pyrolysis for converting waste material

210 to energy;

211 (h) Clean and untreated wood such as pallets;

212 (i) Hydroelectric power, which shall include electrical energy produced or
213 generated by hydroelectric power generating equipment, as such term is defined
214 in section 137.010;

215 (j) Fuel cells using hydrogen produced by one or more of the renewable
216 resources provided in paragraphs (a) to (i) of this subdivision; or

217 (k) Any other sources of energy, not including nuclear energy, that are
218 certified as renewable by rule by the department of [natural resources]
219 **economic development;**

220 (27) "Replacement business facility", a facility otherwise described in
221 subdivision (17) of this section, hereafter referred to in this subdivision as "new
222 facility", which replaces another facility, hereafter referred to in this subdivision
223 as "old facility", located within the state, which the taxpayer or a related taxpayer
224 previously operated but discontinued operating on or before the close of the first
225 taxable year for which the credit allowed by this section is claimed. A new
226 facility shall be deemed to replace an old facility if the following conditions are
227 met:

228 (a) The old facility was operated by the taxpayer or a related taxpayer
229 during the taxpayer's or related taxpayer's taxable period immediately preceding
230 the taxable year in which commencement of commercial operations occurs at the
231 new facility; and

232 (b) The old facility was employed by the taxpayer or a related taxpayer
233 in the operation of an enhanced business enterprise and the taxpayer continues
234 the operation of the same or substantially similar enhanced business enterprise
235 at the new facility. Notwithstanding the preceding provisions of this subdivision,
236 a facility shall not be considered a replacement business facility if the taxpayer's
237 new business facility investment, as computed in subdivision (19) of this section,
238 in the new facility during the tax period for which the credits allowed in section
239 135.967 are claimed exceed one million dollars and if the total number of
240 employees at the new facility exceeds the total number of employees at the old
241 facility by at least two;

242 (28) "Same or substantially similar enhanced business enterprise", an
243 enhanced business enterprise in which the nature of the products produced or
244 sold, or activities conducted, are similar in character and use or are produced,
245 sold, performed, or conducted in the same or similar manner as in another

246 enhanced business enterprise.

EXPLANATION: AN INACCURATE INTERSECTIONAL REFERENCE
CREATED IN 2012 IS CHANGED:

141.540. 1. In any county at a certain front door of whose courthouse
2 sales of real estate are customarily made by the sheriff under execution, the
3 sheriff shall advertise for sale and sell the respective parcels of real estate
4 ordered sold by him or her pursuant to any judgment of foreclosure by any court
5 pursuant to sections 141.210 to 141.810 **and 141.980 to 141.1015** at any of such
6 courthouses, but the sale of such parcels of real estate shall be held at the same
7 front door as sales of real estate are customarily made by the sheriff under
8 execution.

9 2. Such advertisements may include more than one parcel of real estate,
10 and shall be in substantially the following form:

11 NOTICE OF SHERIFF'S
12 SALE UNDER JUDGMENT OF
13 FORECLOSURE OF LIENS FOR
14 DELINQUENT LAND TAXES

No. _____

15 In the Circuit Court of _____ County, Missouri.

16 In the Matter of Foreclosure of Liens for Delinquent Land Taxes

17 Collector of Revenue of _____ County, Missouri, Plaintiff,

18 vs.

19 Parcels of Land encumbered with Delinquent Tax Liens, Defendants.

20 WHEREAS, judgment has been rendered against parcels of real
21 estate for taxes, interest, penalties, attorney's fees and costs with
22 the serial numbers of each parcel of real estate, the description
23 thereof, the name of the person appearing in the petition in the
24 suit, and the total amount of the judgment against each such parcel
25 for taxes, interest, penalties, attorney's fees and costs, all as set out
26 in said judgment and described in each case, respectively, as
27 follows: (Here set out the respective serial numbers, descriptions,
28 names and total amounts of each judgment, next above referred to.)
29 and,
30

31 WHEREAS, such judgment orders such real estate sold by the
32 undersigned sheriff, to satisfy the total amount of such judgment,
33 including interest, penalties, attorney's fees and costs,

34 NOW, THEREFORE,
35 Public Notice is hereby given that I _____, Sheriff of _____
36 County, Missouri, will sell such real estate, parcel by parcel, at
37 public auction, to the highest bidder, for cash, between the hours
38 of nine o'clock A.M. and five o'clock P.M., at the _____ front door
39 of the _____ County Courthouse in _____, Missouri, on _____, the
40 _____ day of _____, 20_____, and continuing from day to day
41 thereafter, to satisfy the judgment as to each respective parcel of
42 real estate sold. If no acceptable bids are received as to any parcel
43 of real estate, said parcel shall be sold to the Land Trust of _____
44 (insert name of County), Missouri or Land Bank of the City of
45 _____ (insert name of municipality), Missouri.
46 Any bid received shall be subject to confirmation by the court.

47 _____
48 Sheriff of _____ County, Missouri

49 _____
50 Delinquent Land Tax Attorney

51 Address: _____

52 First Publication _____, 20_____

53 3. Such advertisement shall be published four times, once a week, upon
54 the same day of each week during successive weeks prior to the date of such sale,
55 in a daily newspaper of general circulation regularly published in the county,
56 qualified according to law for the publication of public notices and
57 advertisements.

58 4. In addition to the provisions herein for notice and advertisement of
59 sale, the county collector shall enter upon the property subject to foreclosure of
60 these tax liens and post a written informational notice in any conspicuous
61 location thereon. This notice shall describe the property and advise that it is the
62 subject of delinquent land tax collection proceedings before the circuit court
63 brought pursuant to sections 141.210 to 141.810 **and 141.980 to 141.1015** and
64 that it may be sold for the payment of delinquent taxes at a sale to be held at ten
65 o'clock a.m., date and place, and shall also contain a file number and the address
66 and phone number of the collector. If the collector chooses to post such notices
67 as authorized by this subsection, such posting must be made not later than the
68 fourteenth day prior to the date of the sale.

69 5. The collector shall, concurrently with the beginning of the publication

70 of sale, cause to be prepared and sent by restricted, registered or certified mail
71 with postage prepaid, a brief notice of the date, location, and time of sale of
72 property in foreclosure of tax liens pursuant to sections 141.210 to 141.810 **and**
73 **141.980 to 141.1015**, to the persons named in the petition as being the last
74 known persons in whose names tax bills affecting the respective parcels of real
75 estate described in said petition were last billed or charged on the books of the
76 collector, or the last known owner of record, if different, and to the addresses of
77 said persons upon said records of the collector. The terms "restricted",
78 "registered" or "certified mail" as used in this section mean mail which carries on
79 the face thereof in a conspicuous place, where it will not be obliterated, the
80 endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a
81 return receipt or a statement by the postal authorities that the addressee refused
82 to receive and receipt for such mail. If the notice is returned to the collector by
83 the postal authorities as undeliverable for reasons other than the refusal by the
84 addressee to receive and receipt for the notice as shown by the return receipt,
85 then the collector shall make a search of the records maintained by the county,
86 including those kept by the recorder of deeds, to discern the name and address
87 of any person who, from such records, appears as a successor to the person to
88 whom the original notice was addressed, and to cause another notice to be mailed
89 to such person. The collector shall prepare and file with the circuit clerk prior
90 to confirmation hearings an affidavit reciting to the court any name, address and
91 serial number of the tract of real estate affected of any such notices of sale that
92 are undeliverable because of an addressee's refusal to receive and receipt for the
93 same, or of any notice otherwise nondeliverable by mail, or in the event that any
94 name or address does not appear on the records of the collector, then of that
95 fact. The affidavit in addition to the recitals set forth above shall also state
96 reason for the nondelivery of such notice.

97 6. The collector may, at his or her option, concurrently with the beginning
98 of the publication of sale, cause to be prepared and sent by restricted, registered
99 or certified mail with postage prepaid, a brief notice of the date, location, and
100 time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to
101 141.810, to the mortgagee or security holder, if known, of the respective parcels
102 of real estate described in said petition, and to the addressee of such mortgagee
103 or security holder according to the records of the collector. The terms "restricted",
104 "registered" or "certified mail" as used in this section mean mail which carries on
105 the face thereof in a conspicuous place, where it will not be obliterated, the

106 endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a
107 return receipt or a statement by the postal authorities that the addressee refused
108 to receive and receipt for such mail. If the notice is returned to the collector by
109 the postal authorities as undeliverable for reasons other than the refusal by the
110 addressee to receive and receipt for the notice as shown by the return receipt,
111 then the collector shall make a search of the records maintained by the county,
112 including those kept by the recorder of deeds, to discern the name and address
113 of any security holder who, from such records, appears as a successor to the
114 security holder to whom the original notice was addressed, and to cause another
115 notice to be mailed to such security holder. The collector shall prepare and file
116 with the circuit clerk prior to confirmation hearings an affidavit reciting to the
117 court any name, address and serial number of the tract of real estate affected by
118 any such notices of sale that are undeliverable because of an addressee's refusal
119 to receive and receipt for the same, or of any notice otherwise nondeliverable by
120 mail, and stating the reason for the nondelivery of such notice.

EXPLANATION: BASED ON A 2008 COURT DECISION, THE
INTERSECTIONAL REFERENCE IN SUBSECTION 1 OF THIS SECTION IS
INACCURATE:

143.811. 1. Under regulations prescribed by the director of revenue,
2 interest shall be allowed and paid at the rate determined by section [32.065]
3 **32.068** on any overpayment in respect of the tax imposed by sections 143.011 to
4 143.996; except that, where the overpayment resulted from the filing of an
5 amendment of the tax by the taxpayer after the last day prescribed for the filing
6 of the return, interest shall be allowed and paid at the rate of six percent per
7 annum. With respect to the part of an overpayment attributable to a deposit
8 made pursuant to subsection 2 of section 143.631, interest shall be paid thereon
9 at the rate in section [32.065] **32.068** from the date of the deposit to the date of
10 refund. No interest shall be allowed or paid if the amount thereof is less than
11 one dollar.

12 2. For purposes of this section:

13 (1) Any return filed before the last day prescribed for the filing thereof
14 shall be considered as filed on such last day determined without regard to any
15 extension of time granted the taxpayer;

16 (2) Any tax paid by the taxpayer before the last day prescribed for its
17 payment, any income tax withheld from the taxpayer during any calendar year,
18 and any amount paid by the taxpayer as estimated income tax for a taxable year

19 shall be deemed to have been paid by him on the fifteenth day of the fourth
20 month following the close of his taxable year to which such amount constitutes
21 a credit or payment.

22 3. For purposes of this section with respect to any withholding tax:

23 (1) If a return for any period ending with or within a calendar year is filed
24 before April fifteenth of the succeeding calendar year, such return shall be
25 considered filed April fifteenth of such succeeding calendar year; and

26 (2) If a tax with respect to remuneration paid during any period ending
27 with or within a calendar year is paid before April fifteenth of the succeeding
28 calendar year, such tax shall be considered paid on April fifteenth of such
29 succeeding calendar year.

30 4. If any overpayment of tax imposed by sections 143.061 and 143.071 is
31 refunded within four months after the last date prescribed (or permitted by
32 extension of time) for filing the return of such tax or within four months after the
33 return was filed, whichever is later, no interest shall be allowed under this
34 section on overpayment.

35 5. If any overpayment of tax imposed by sections 143.011 and 143.041 is
36 refunded within forty-five days after the date the return or claim is filed, no
37 interest shall be allowed under this section on overpayment.

38 6. Any overpayment resulting from a carryback, including a net operating
39 loss and a corporate capital loss, shall be deemed not to have been made prior to
40 the close of the taxable year in which the loss arises.

41 7. Any overpayment resulting from a carryback of a tax credit, including
42 but not limited to the tax credits provided in sections 253.557 and 348.432, shall
43 be deemed not to have been made prior to the close of the taxable year in which
44 the tax credit was authorized.

EXPLANATION: SUBDIVISION (4) OF SUBSECTION 2 IS MOVED TO
SUBDIVISION (44) OF SUBSECTION 2 TO PREVENT NUMEROUS
DEPARTMENT OF REVENUE FORMS FROM BECOMING OBSOLETE:

144.030. 1. There is hereby specifically exempted from the provisions of
2 sections 144.010 to 144.525 and from the computation of the tax levied, assessed
3 or payable pursuant to sections 144.010 to 144.525 such retail sales as may be
4 made in commerce between this state and any other state of the United States,
5 or between this state and any foreign country, and any retail sale which the state
6 of Missouri is prohibited from taxing pursuant to the Constitution or laws of the
7 United States of America, and such retail sales of tangible personal property

8 which the general assembly of the state of Missouri is prohibited from taxing or
9 further taxing by the constitution of this state.

10 2. There are also specifically exempted from the provisions of the local
11 sales tax law as defined in section 32.085, section 238.235, and sections 144.010
12 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied,
13 assessed or payable pursuant to the local sales tax law as defined in section
14 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

15 (1) Motor fuel or special fuel subject to an excise tax of this state, unless
16 all or part of such excise tax is refunded pursuant to section 142.824; or upon the
17 sale at retail of fuel to be consumed in manufacturing or creating gas, power,
18 steam, electrical current or in furnishing water to be sold ultimately at retail; or
19 feed for livestock or poultry; or grain to be converted into foodstuffs which are to
20 be sold ultimately in processed form at retail; or seed, limestone or fertilizer
21 which is to be used for seeding, liming or fertilizing crops which when harvested
22 will be sold at retail or will be fed to livestock or poultry to be sold ultimately in
23 processed form at retail; economic poisons registered pursuant to the provisions
24 of the Missouri pesticide registration law (sections 281.220 to 281.310) which are
25 to be used in connection with the growth or production of crops, fruit trees or
26 orchards applied before, during, or after planting, the crop of which when
27 harvested will be sold at retail or will be converted into foodstuffs which are to
28 be sold ultimately in processed form at retail;

29 (2) Materials, manufactured goods, machinery and parts which when used
30 in manufacturing, processing, compounding, mining, producing or fabricating
31 become a component part or ingredient of the new personal property resulting
32 from such manufacturing, processing, compounding, mining, producing or
33 fabricating and which new personal property is intended to be sold ultimately for
34 final use or consumption; and materials, including without limitation, gases and
35 manufactured goods, including without limitation slagging materials and
36 firebrick, which are ultimately consumed in the manufacturing process by
37 blending, reacting or interacting with or by becoming, in whole or in part,
38 component parts or ingredients of steel products intended to be sold ultimately
39 for final use or consumption;

40 (3) Materials, replacement parts and equipment purchased for use directly
41 upon, and for the repair and maintenance or manufacture of, motor vehicles,
42 watercraft, railroad rolling stock or aircraft engaged as common carriers of
43 persons or property;

44 (4) [Motor vehicles registered in excess of fifty-four thousand pounds, and
45 the trailers pulled by such motor vehicles, that are actually used in the normal
46 course of business to haul property on the public highways of the state, and that
47 are capable of hauling loads commensurate with the motor vehicle's registered
48 weight; and the materials, replacement parts, and equipment purchased for use
49 directly upon, and for the repair and maintenance or manufacture of such
50 vehicles. For purposes of this subdivision, "motor vehicle" and "public highway"
51 shall have the meaning as ascribed in section 390.020;

52 (5)] Replacement machinery, equipment, and parts and the materials and
53 supplies solely required for the installation or construction of such replacement
54 machinery, equipment, and parts, used directly in manufacturing, mining,
55 fabricating or producing a product which is intended to be sold ultimately for
56 final use or consumption; and machinery and equipment, and the materials and
57 supplies required solely for the operation, installation or construction of such
58 machinery and equipment, purchased and used to establish new, or to replace or
59 expand existing, material recovery processing plants in this state. For the
60 purposes of this subdivision, a "material recovery processing plant" means a
61 facility that has as its primary purpose the recovery of materials into a usable
62 product or a different form which is used in producing a new product and shall
63 include a facility or equipment which are used exclusively for the collection of
64 recovered materials for delivery to a material recovery processing plant but shall
65 not include motor vehicles used on highways. For purposes of this section, the
66 terms motor vehicle and highway shall have the same meaning pursuant to
67 section 301.010. Material recovery is not the reuse of materials within a
68 manufacturing process or the use of a product previously recovered. The material
69 recovery processing plant shall qualify under the provisions of this section
70 regardless of ownership of the material being recovered;

71 [(6)] (5) Machinery and equipment, and parts and the materials and
72 supplies solely required for the installation or construction of such machinery and
73 equipment, purchased and used to establish new or to expand existing
74 manufacturing, mining or fabricating plants in the state if such machinery and
75 equipment is used directly in manufacturing, mining or fabricating a product
76 which is intended to be sold ultimately for final use or consumption;

77 [(7)] (6) Tangible personal property which is used exclusively in the
78 manufacturing, processing, modification or assembling of products sold to the
79 United States government or to any agency of the United States government;

80 [(8)] **(7)** Animals or poultry used for breeding or feeding purposes, or
81 captive wildlife;

82 [(9)] **(8)** Newsprint, ink, computers, photosensitive paper and film, toner,
83 printing plates and other machinery, equipment, replacement parts and supplies
84 used in producing newspapers published for dissemination of news to the general
85 public;

86 [(10)] **(9)** The rentals of films, records or any type of sound or picture
87 transcriptions for public commercial display;

88 [(11)] **(10)** Pumping machinery and equipment used to propel products
89 delivered by pipelines engaged as common carriers;

90 [(12)] **(11)** Railroad rolling stock for use in transporting persons or
91 property in interstate commerce and motor vehicles licensed for a gross weight
92 of twenty-four thousand pounds or more or trailers used by common carriers, as
93 defined in section 390.020, in the transportation of persons or property;

94 [(13)] **(12)** Electrical energy used in the actual primary manufacture,
95 processing, compounding, mining or producing of a product, or electrical energy
96 used in the actual secondary processing or fabricating of the product, or a
97 material recovery processing plant as defined in subdivision [(5)] **(4)** of this
98 subsection, in facilities owned or leased by the taxpayer, if the total cost of
99 electrical energy so used exceeds ten percent of the total cost of production, either
100 primary or secondary, exclusive of the cost of electrical energy so used or if the
101 raw materials used in such processing contain at least twenty-five percent
102 recovered materials as defined in section 260.200. There shall be a rebuttable
103 presumption that the raw materials used in the primary manufacture of
104 automobiles contain at least twenty-five percent recovered materials. For
105 purposes of this subdivision, "processing" means any mode of treatment, act or
106 series of acts performed upon materials to transform and reduce them to a
107 different state or thing, including treatment necessary to maintain or preserve
108 such processing by the producer at the production facility;

109 [(14)] **(13)** Anodes which are used or consumed in manufacturing,
110 processing, compounding, mining, producing or fabricating and which have a
111 useful life of less than one year;

112 [(15)] **(14)** Machinery, equipment, appliances and devices purchased or
113 leased and used solely for the purpose of preventing, abating or monitoring air
114 pollution, and materials and supplies solely required for the installation,
115 construction or reconstruction of such machinery, equipment, appliances and

116 devices;

117 [(16)] **(15)** Machinery, equipment, appliances and devices purchased or
118 leased and used solely for the purpose of preventing, abating or monitoring water
119 pollution, and materials and supplies solely required for the installation,
120 construction or reconstruction of such machinery, equipment, appliances and
121 devices;

122 [(17)] **(16)** Tangible personal property purchased by a rural water
123 district;

124 [(18)] **(17)** All amounts paid or charged for admission or participation or
125 other fees paid by or other charges to individuals in or for any place of
126 amusement, entertainment or recreation, games or athletic events, including
127 museums, fairs, zoos and planetariums, owned or operated by a municipality or
128 other political subdivision where all the proceeds derived therefrom benefit the
129 municipality or other political subdivision and do not inure to any private person,
130 firm, or corporation, provided, however, that a municipality or other political
131 subdivision may enter into revenue-sharing agreements with private persons,
132 firms, or corporations providing goods or services, including management services,
133 in or for the place of amusement, entertainment or recreation, games or athletic
134 events, and provided further that nothing in this subdivision shall exempt from
135 tax any amounts retained by any private person, firm, or corporation under such
136 revenue-sharing agreement;

137 [(19)] **(18)** All sales of insulin, and all sales, rentals, repairs, and parts
138 of durable medical equipment, prosthetic devices, and orthopedic devices as
139 defined on January 1, 1980, by the federal Medicare program pursuant to Title
140 XVIII of the Social Security Act of 1965, including the items specified in Section
141 1862(a)(12) of that act, and also specifically including hearing aids and hearing
142 aid supplies and all sales of drugs which may be legally dispensed by a licensed
143 pharmacist only upon a lawful prescription of a practitioner licensed to
144 administer those items, including samples and materials used to manufacture
145 samples which may be dispensed by a practitioner authorized to dispense such
146 samples and all sales or rental of medical oxygen, home respiratory equipment
147 and accessories including parts, and hospital beds and accessories and
148 ambulatory aids including parts, and all sales or rental of manual and powered
149 wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille
150 equipment and, if purchased or rented by or on behalf of a person with one or
151 more physical or mental disabilities to enable them to function more

152 independently, all sales or rental of scooters including parts, and reading
153 machines, electronic print enlargers and magnifiers, electronic alternative and
154 augmentative communication devices, and items used solely to modify motor
155 vehicles to permit the use of such motor vehicles by individuals with disabilities
156 or sales of over-the-counter or nonprescription drugs to individuals with
157 disabilities, and drugs required by the Food and Drug Administration to meet the
158 over-the-counter drug product labeling requirements in 21 CFR 201.66, or its
159 successor, as prescribed by a health care practitioner licensed to prescribe;

160 [(20)] **(19)** All sales made by or to religious and charitable organizations
161 and institutions in their religious, charitable or educational functions and
162 activities and all sales made by or to all elementary and secondary schools
163 operated at public expense in their educational functions and activities;

164 [(21)] **(20)** All sales of aircraft to common carriers for storage or for use
165 in interstate commerce and all sales made by or to not-for-profit civic, social,
166 service or fraternal organizations, including fraternal organizations which have
167 been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of
168 the 1986 Internal Revenue Code, as amended, in their civic or charitable
169 functions and activities and all sales made to eleemosynary and penal institutions
170 and industries of the state, and all sales made to any private not-for-profit
171 institution of higher education not otherwise excluded pursuant to subdivision
172 [(20)] **(19)** of this subsection or any institution of higher education supported by
173 public funds, and all sales made to a state relief agency in the exercise of relief
174 functions and activities;

175 [(22)] **(21)** All ticket sales made by benevolent, scientific and educational
176 associations which are formed to foster, encourage, and promote progress and
177 improvement in the science of agriculture and in the raising and breeding of
178 animals, and by nonprofit summer theater organizations if such organizations are
179 exempt from federal tax pursuant to the provisions of the Internal Revenue Code
180 and all admission charges and entry fees to the Missouri state fair or any fair
181 conducted by a county agricultural and mechanical society organized and
182 operated pursuant to sections 262.290 to 262.530;

183 [(23)] **(22)** All sales made to any private not-for-profit elementary or
184 secondary school, all sales of feed additives, medications or vaccines administered
185 to livestock or poultry in the production of food or fiber, all sales of pesticides
186 used in the production of crops, livestock or poultry for food or fiber, all sales of
187 bedding used in the production of livestock or poultry for food or fiber, all sales

188 of propane or natural gas, electricity or diesel fuel used exclusively for drying
189 agricultural crops, natural gas used in the primary manufacture or processing of
190 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity
191 used by an eligible new generation cooperative or an eligible new generation
192 processing entity as defined in section 348.432, and all sales of farm machinery
193 and equipment, other than airplanes, motor vehicles and trailers, and any freight
194 charges on any exempt item. As used in this subdivision, the term "feed
195 additives" means tangible personal property which, when mixed with feed for
196 livestock or poultry, is to be used in the feeding of livestock or poultry. As used
197 in this subdivision, the term "pesticides" includes adjuvants such as crop oils,
198 surfactants, wetting agents and other assorted pesticide carriers used to improve
199 or enhance the effect of a pesticide and the foam used to mark the application of
200 pesticides and herbicides for the production of crops, livestock or poultry. As
201 used in this subdivision, the term "farm machinery and equipment" means new
202 or used farm tractors and such other new or used farm machinery and equipment
203 and repair or replacement parts thereon and any accessories for and upgrades to
204 such farm machinery and equipment, rotary mowers used exclusively for
205 agricultural purposes, and supplies and lubricants used exclusively, solely, and
206 directly for producing crops, raising and feeding livestock, fish, poultry,
207 pheasants, chukar, quail, or for producing milk for ultimate sale at retail,
208 including field drain tile, and one-half of each purchaser's purchase of diesel fuel
209 therefor which is:

- 210 (a) Used exclusively for agricultural purposes;
- 211 (b) Used on land owned or leased for the purpose of producing farm
212 products; and
- 213 (c) Used directly in producing farm products to be sold ultimately in
214 processed form or otherwise at retail or in producing farm products to be fed to
215 livestock or poultry to be sold ultimately in processed form at retail;

216 [(24)] **(23)** Except as otherwise provided in section 144.032, all sales of
217 metered water service, electricity, electrical current, natural, artificial or propane
218 gas, wood, coal or home heating oil for domestic use and in any city not within a
219 county, all sales of metered or unmetered water service for domestic use:

- 220 (a) "Domestic use" means that portion of metered water service,
221 electricity, electrical current, natural, artificial or propane gas, wood, coal or
222 home heating oil, and in any city not within a county, metered or unmetered
223 water service, which an individual occupant of a residential premises uses for

224 nonbusiness, noncommercial or nonindustrial purposes. Utility service through
225 a single or master meter for residential apartments or condominiums, including
226 service for common areas and facilities and vacant units, shall be deemed to be
227 for domestic use. Each seller shall establish and maintain a system whereby
228 individual purchases are determined as exempt or nonexempt;

229 (b) Regulated utility sellers shall determine whether individual purchases
230 are exempt or nonexempt based upon the seller's utility service rate
231 classifications as contained in tariffs on file with and approved by the Missouri
232 public service commission. Sales and purchases made pursuant to the rate
233 classification "residential" and sales to and purchases made by or on behalf of the
234 occupants of residential apartments or condominiums through a single or master
235 meter, including service for common areas and facilities and vacant units, shall
236 be considered as sales made for domestic use and such sales shall be exempt from
237 sales tax. Sellers shall charge sales tax upon the entire amount of purchases
238 classified as nondomestic use. The seller's utility service rate classification and
239 the provision of service thereunder shall be conclusive as to whether or not the
240 utility must charge sales tax;

241 (c) Each person making domestic use purchases of services or property
242 and who uses any portion of the services or property so purchased for a
243 nondomestic use shall, by the fifteenth day of the fourth month following the year
244 of purchase, and without assessment, notice or demand, file a return and pay
245 sales tax on that portion of nondomestic purchases. Each person making
246 nondomestic purchases of services or property and who uses any portion of the
247 services or property so purchased for domestic use, and each person making
248 domestic purchases on behalf of occupants of residential apartments or
249 condominiums through a single or master meter, including service for common
250 areas and facilities and vacant units, under a nonresidential utility service rate
251 classification may, between the first day of the first month and the fifteenth day
252 of the fourth month following the year of purchase, apply for credit or refund to
253 the director of revenue and the director shall give credit or make refund for taxes
254 paid on the domestic use portion of the purchase. The person making such
255 purchases on behalf of occupants of residential apartments or condominiums shall
256 have standing to apply to the director of revenue for such credit or refund;

257 [(25)] (24) All sales of handicraft items made by the seller or the seller's
258 spouse if the seller or the seller's spouse is at least sixty-five years of age, and if
259 the total gross proceeds from such sales do not constitute a majority of the annual

260 gross income of the seller;

261 [(26)] **(25)** Excise taxes, collected on sales at retail, imposed by Sections
262 4041, [4061,] 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26,
263 United States Code. The director of revenue shall promulgate rules pursuant to
264 chapter 536 to eliminate all state and local sales taxes on such excise taxes;

265 [(27)] **(26)** Sales of fuel consumed or used in the operation of ships,
266 barges, or waterborne vessels which are used primarily in or for the
267 transportation of property or cargo, or the conveyance of persons for hire, on
268 navigable rivers bordering on or located in part in this state, if such fuel is
269 delivered by the seller to the purchaser's barge, ship, or waterborne vessel while
270 it is afloat upon such river;

271 [(28)] **(27)** All sales made to an interstate compact agency created
272 pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the
273 exercise of the functions and activities of such agency as provided pursuant to the
274 compact;

275 [(29)] **(28)** Computers, computer software and computer security systems
276 purchased for use by architectural or engineering firms headquartered in this
277 state. For the purposes of this subdivision, "headquartered in this state" means
278 the office for the administrative management of at least four integrated facilities
279 operated by the taxpayer is located in the state of Missouri;

280 [(30)] **(29)** All livestock sales when either the seller is engaged in the
281 growing, producing or feeding of such livestock, or the seller is engaged in the
282 business of buying and selling, bartering or leasing of such livestock;

283 [(31)] **(30)** All sales of barges which are to be used primarily in the
284 transportation of property or cargo on interstate waterways;

285 [(32)] **(31)** Electrical energy or gas, whether natural, artificial or
286 propane, water, or other utilities which are ultimately consumed in connection
287 with the manufacturing of cellular glass products or in any material recovery
288 processing plant as defined in subdivision [(5)] **(4)** of this subsection;

289 [(33)] **(32)** Notwithstanding other provisions of law to the contrary, all
290 sales of pesticides or herbicides used in the production of crops, aquaculture,
291 livestock or poultry;

292 [(34)] **(33)** Tangible personal property and utilities purchased for use or
293 consumption directly or exclusively in the research and development of
294 agricultural/biotechnology and plant genomics products and prescription
295 pharmaceuticals consumed by humans or animals;

296 [(35)] **(34)** All sales of grain bins for storage of grain for resale;

297 [(36)] **(35)** All sales of feed which are developed for and used in the
298 feeding of pets owned by a commercial breeder when such sales are made to a
299 commercial breeder, as defined in section 273.325, and licensed pursuant to
300 sections 273.325 to 273.357;

301 [(37)] **(36)** All purchases by a contractor on behalf of an entity located in
302 another state, provided that the entity is authorized to issue a certificate of
303 exemption for purchases to a contractor under the provisions of that state's
304 laws. For purposes of this subdivision, the term "certificate of exemption" shall
305 mean any document evidencing that the entity is exempt from sales and use taxes
306 on purchases pursuant to the laws of the state in which the entity is located. Any
307 contractor making purchases on behalf of such entity shall maintain a copy of the
308 entity's exemption certificate as evidence of the exemption. If the exemption
309 certificate issued by the exempt entity to the contractor is later determined by the
310 director of revenue to be invalid for any reason and the contractor has accepted
311 the certificate in good faith, neither the contractor or the exempt entity shall be
312 liable for the payment of any taxes, interest and penalty due as the result of use
313 of the invalid exemption certificate. Materials shall be exempt from all state and
314 local sales and use taxes when purchased by a contractor for the purpose of
315 fabricating tangible personal property which is used in fulfilling a contract for the
316 purpose of constructing, repairing or remodeling facilities for the following:

317 (a) An exempt entity located in this state, if the entity is one of those
318 entities able to issue project exemption certificates in accordance with the
319 provisions of section 144.062; or

320 (b) An exempt entity located outside the state if the exempt entity is
321 authorized to issue an exemption certificate to contractors in accordance with the
322 provisions of that state's law and the applicable provisions of this section;

323 [(38)] **(37)** All sales or other transfers of tangible personal property to a
324 lessor who leases the property under a lease of one year or longer executed or in
325 effect at the time of the sale or other transfer to an interstate compact agency
326 created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

327 [(39)] **(38)** Sales of tickets to any collegiate athletic championship event
328 that is held in a facility owned or operated by a governmental authority or
329 commission, a quasi-governmental agency, a state university or college or by the
330 state or any political subdivision thereof, including a municipality, and that is
331 played on a neutral site and may reasonably be played at a site located outside

332 the state of Missouri. For purposes of this subdivision, "neutral site" means any
333 site that is not located on the campus of a conference member institution
334 participating in the event;

335 [(40)] **(39)** All purchases by a sports complex authority created under
336 section 64.920, and all sales of utilities by such authority at the authority's cost
337 that are consumed in connection with the operation of a sports complex leased to
338 a professional sports team;

339 [(41)] **(40)** All materials, replacement parts, and equipment purchased
340 for use directly upon, and for the modification, replacement, repair, and
341 maintenance of aircraft, aircraft power plants, and aircraft accessories;

342 [(42)] **(41)** Sales of sporting clays, wobble, skeet, and trap targets to any
343 shooting range or similar places of business for use in the normal course of
344 business and money received by a shooting range or similar places of business
345 from patrons and held by a shooting range or similar place of business for
346 redistribution to patrons at the conclusion of a shooting event;

347 [(43)] **(42)** All sales of motor fuel, as defined in section 142.800, used in
348 any watercraft, as defined in section 306.010;

349 [(44)] **(43)** Any new or used aircraft sold or delivered in this state to a
350 person who is not a resident of this state or a corporation that is not incorporated
351 in this state, and such aircraft is not to be based in this state and shall not
352 remain in this state more than ten business days subsequent to the last to occur
353 of:

354 (a) The transfer of title to the aircraft to a person who is not a resident
355 of this state or a corporation that is not incorporated in this state; or

356 (b) The date of the return to service of the aircraft in accordance with 14
357 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations,
358 repairs, or installations that are completed contemporaneously with the transfer
359 of title to the aircraft to a person who is not a resident of this state or a
360 corporation that is not incorporated in this state;

361 **(44) Motor vehicles registered in excess of fifty-four thousand**
362 **pounds, and the trailers pulled by such motor vehicles, that are**
363 **actually used in the normal course of business to haul property on the**
364 **public highways of the state, and that are capable of hauling loads**
365 **commensurate with the motor vehicle's registered weight; and the**
366 **materials, replacement parts, and equipment purchased for use directly**
367 **upon, and for the repair and maintenance or manufacture of such**

368 **vehicles. For purposes of this subdivision "motor vehicle" and "public**
369 **highway" shall have the meaning as ascribed in section 390.020.**

370 3. Any ruling, agreement, or contract, whether written or oral, express or
371 implied, between a person and this state's executive branch, or any other state
372 agency or department, stating, agreeing, or ruling that such person is not
373 required to collect sales and use tax in this state despite the presence of a
374 warehouse, distribution center, or fulfillment center in this state that is owned
375 or operated by the person or an affiliated person shall be null and void unless it
376 is specifically approved by a majority vote of each of the houses of the general
377 assembly. For purposes of this subsection, an "affiliated person" means any
378 person that is a member of the same controlled group of corporations as defined
379 in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the
380 vendor or any other entity that, notwithstanding its form of organization, bears
381 the same ownership relationship to the vendor as a corporation that is a member
382 of the same controlled group of corporations as defined in Section 1563(a) of the
383 Internal Revenue Code, as amended.

EXPLANATION: AN INACCURATE INTERSECTIONAL REFERENCE
ENACTED IN 2015 IS CHANGED AND THE LANGUAGE FOR A CERTAIN
DEFINED TERM IS CHANGED TO BE CONSISTENT WITH ITS DEFINITION:

144.810. 1. As used in this section, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) "Commencement of commercial operations", shall be deemed to occur
4 during the first calendar year for which the data storage center is first available
5 for use by the operating taxpayer, or first capable of being used by the operating
6 taxpayer, as a data storage center;

7 (2) "Constructing taxpayer", if more than one taxpayer is responsible for
8 a project, the taxpayer responsible for the construction of the facility, as opposed
9 to the taxpayer responsible for the ongoing operations of the facility;

10 (3) "County average wage", the average wages in each county as
11 determined by the department of **economic development** for the most recently
12 completed full calendar year. However, if the computed county average wage is
13 above the statewide average wage, the statewide average wage shall be deemed
14 the county average wage for such county for the purpose of determining
15 eligibility;

16 (4) "Data storage center" or "facility", a facility constructed, extended,
17 improved, or operating under this section, provided that such business facility is

18 engaged primarily in:

19 (a) Data processing, hosting, and related services (NAICS 518210); or

20 (b) Internet publishing and broadcasting and web search portals (NAICS
21 519130) at the business facility;

22 (5) "Existing facility", an operational data storage center in this state as
23 it existed prior to August 28, 2015, as determined by the department;

24 (6) "Expanding facility" or "expanding data storage center", an existing
25 facility or replacement facility that expands its operations in this state on or after
26 August 28, 2015, and has net new investment related to the expansion of
27 operations in this state of at least five million dollars during a period of up to
28 twelve consecutive months and results in the creation of at least five new jobs
29 during a period of up to twenty-four consecutive months from the date of
30 conditional approval for an exemption under this section, if the average wage of
31 the new jobs equals or exceeds one hundred fifty percent of the county average
32 wage. An expanding facility shall continue to be an expanding facility regardless
33 of a subsequent change in or addition of operating taxpayers or constructing
34 taxpayers;

35 (7) "Expanding facility project" or "expanding data storage center project",
36 the construction, extension, improvement, equipping, and operation of an
37 expanding facility;

38 (8) "Investment", shall include the value of real and depreciable personal
39 property, acquired as part of the new or expanding facility project which is used
40 in the operation of the facility following conditional approval of an exemption
41 under this section;

42 (9) "NAICS", the 2007 edition of the North American Industry
43 Classification System as prepared by the Executive Office of the President, Office
44 of Management and Budget. Any NAICS sector, subsector, industry group, or
45 industry identified in this section shall include its corresponding classification in
46 previous and subsequent federal industry classification systems;

47 (10) "New data storage center project" or "new facility project", the
48 construction, extension, improvement, equipping, and operation of a new facility;

49 (11) "New facility" or "new data storage center", a facility in this state
50 meeting the following requirements:

51 (a) The facility is acquired by or leased to an operating taxpayer on or
52 after August 28, 2015. A facility shall be deemed to have been acquired by or
53 leased to an operating taxpayer on or after August 28, 2015, if the transfer of title

54 to an operating taxpayer, the transfer of possession under a binding contract to
55 transfer title to an operating taxpayer, or an operating taxpayer takes possession
56 of the facility under the terms of the lease on or after August 28, 2015, or if the
57 facility is constructed, erected, or installed by or on behalf of an operating
58 taxpayer, such construction, erection, or installation is completed on or after
59 August 28, 2015;

60 (b) Such facility is not an expanding or replacement facility, as defined in
61 this section;

62 (c) The new facility project investment is at least twenty-five million
63 dollars during a period of up to thirty-six consecutive months from the date of the
64 conditional approval for an exemption under this section. If more than one
65 taxpayer is responsible for a project, the investment requirement may be met by
66 an operating taxpayer, a constructing taxpayer, or a combination of constructing
67 taxpayers and operating taxpayers; and

68 (d) At least ten new jobs are created at the new facility during a period
69 of up to thirty-six consecutive months from the date of conditional approval for
70 an exemption under this section if the average wage of the new jobs equals or
71 exceeds one hundred fifty percent of the county average wage;

72 Any facility which was acquired by an operating or constructing taxpayer from
73 another person or persons on or after August 28, 2015, and such facility was
74 employed prior to August 28, 2015, by any other person or persons in the
75 operation of a data storage center shall not be considered a new facility. A new
76 facility shall continue to be a new facility regardless of a subsequent change in
77 or addition of operating taxpayers or constructing taxpayers;

78 (12) "New job", in the case of a new data **storage** center project, the total
79 number of full-time employees located at a new data storage center for a period
80 of up to thirty-six consecutive months from the date of conditional approval for
81 an exemption under this section. In the case of an expanding data storage center
82 project, the total number of full-time employees located at the expanding data
83 storage center that exceeds the greater of the number of full-time employees
84 located at the project facility on the date of the submission of a project plan under
85 this section or for the twelve-month period prior to the date of the submission of
86 a project plan, the average number of full-time employees located at the
87 expanding data storage center facility. In the event the expanding data storage
88 center facility has not been in operation for a full twelve-month period at the time
89 of the submission of a project plan, the total number of full-time employees

90 located at the expanded data storage center that exceeds the greater of the
91 number of full-time employees located at the project facility on the date of the
92 submission of a project plan under this section or the average number of full-time
93 employees for the number of months the expanding data storage center facility
94 has been in operation prior to the date of the submission of the project plan;

95 (13) "Notice of intent", a form developed by the department of economic
96 development, completed by the project taxpayer, and submitted to the
97 department, which states the project taxpayer's intent to construct or expand a
98 data center and request the exemptions under this program;

99 (14) "Operating taxpayer", if more than one taxpayer is responsible for a
100 project, the taxpayer responsible for the ongoing operations of the facility, as
101 opposed to the taxpayer responsible for the purchasing or construction of the
102 facility;

103 (15) "Project taxpayers", each constructing taxpayer and each operating
104 taxpayer for a data storage center project;

105 (16) "Replacement facility", a facility in this state otherwise described in
106 subdivision [(7)] **(6)** of this subsection, but which replaces another facility located
107 within the state, which the taxpayer or a related taxpayer previously operated
108 but discontinued operating within one year prior to the commencement of
109 commercial operations at the new facility;

110 (17) "Taxpayer", the purchaser of tangible personal property or a service
111 that is subject to state or local sales or use tax and from whom state or local sales
112 or use tax is owed. Taxpayer shall not mean the seller charged by law with
113 collecting the sales tax from the purchaser.

114 2. In addition to the exemptions granted under this chapter, project
115 taxpayers for a new data storage center project shall be entitled, for a project
116 period not to exceed fifteen years from the date of conditional approval under this
117 section and subject to the requirements of subsection 3 of this section, to an
118 exemption of one hundred percent of the state and local sales and use taxes
119 defined, levied, or calculated under section 32.085, sections 144.010 to 144.525,
120 sections 144.600 to 144.761, or section 238.235, limited to the net fiscal benefit
121 of the state calculated over a ten-year period, on:

122 (1) All electrical energy, gas, water, and other utilities including
123 telecommunication and internet services used in a new data storage center;

124 (2) All machinery, equipment, and computers used in any new data
125 storage center; and

126 (3) All sales at retail of tangible personal property and materials for the
127 purpose of constructing any new data storage center.

128 The amount of any exemption provided under this subsection shall not exceed the
129 projected net fiscal benefit to the state over a period of ten years, as determined
130 by the department of economic development using the Regional Economic
131 Modeling, Inc., data set.

132 3. (1) Any data storage center project seeking a tax exemption under
133 subsection 2 of this section shall submit a notice of intent and a project plan to
134 the department of economic development, which shall identify each known
135 constructing taxpayer and known operating taxpayer for the project and include
136 any additional information the department of economic development may require
137 to determine eligibility for the exemption. The department of economic
138 development shall review the project plan and determine whether the project is
139 eligible for the exemption under subsection 2 of this section, conditional upon
140 subsequent verification by the department that the project meets the
141 requirements in subsection 1 of this section for a new facility project. The
142 department shall make such conditional determination within thirty days of
143 submission by the operating taxpayer. Failure of the department to respond
144 within thirty days shall result in a project plan being deemed conditionally
145 approved.

146 (2) The department of economic development shall convey conditional
147 approvals to the department of revenue and the identified project
148 taxpayers. After a conditionally approved new facility has met the requirements
149 in subsection 1 of this section for a new facility and the execution of the
150 agreement specified in subsection 6 of this section, the project taxpayers shall
151 provide proof of the same to the department of economic development. Upon
152 verification of such proof, the department of economic development shall certify
153 the new facility to the department of revenue as being eligible for the exemption
154 dating retroactively to the first day of construction on the new facility. The
155 department of revenue, upon receipt of adequate proof of the amount of sales
156 taxes paid since the first day of construction, shall issue a refund of taxes paid
157 but eligible for exemption under subsection 2 of this section to each operating
158 taxpayer and each constructing taxpayer and issue a certificate of exemption to
159 each new project taxpayer for ongoing exemptions under subsection 2 of this
160 section. The department of revenue shall issue such a refund within thirty days
161 of receipt of certification from the department of economic development.

162 (3) The commencement of the exemption period may be delayed at the
163 option of the operating taxpayer, but not more than twenty-four months after the
164 execution of the agreement required under subsection 6 of this section.

165 4. In addition to the exemptions granted under this chapter, upon
166 approval by the department of economic development, project taxpayers for
167 expanding data **storage** center projects may, for a period not to exceed ten years,
168 be specifically exempted from state and local sales and use taxes defined, levied,
169 or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600
170 to 144.761, or section 238.235 on:

171 (1) All electrical energy, gas, water, and other utilities including
172 telecommunication and internet services used in an expanding data storage
173 center which, on an annual basis, exceeds the amount of electrical energy, gas,
174 water, and other utilities including telecommunication and internet services used
175 in the existing facility or the replaced facility prior to the expansion. For
176 purposes of this subdivision only, "amount" shall be measured in kilowatt hours,
177 gallons, cubic feet, or other measures applicable to a utility service as opposed to
178 in dollars, to account for increases in utility rates;

179 (2) All machinery, equipment, and computers used in any expanding data
180 storage center; and

181 (3) All sales at retail of tangible personal property and materials for the
182 purpose of constructing, repairing, or remodeling any expanding data storage
183 center.

184 The amount of any exemption provided under this subsection shall not exceed the
185 projected net fiscal benefit to the state over a period of ten years, as determined
186 by the department of economic development using the Regional Economic
187 Modeling, Inc., data set or comparable data.

188 5. (1) Any data storage center project seeking a tax exemption under
189 subsection 4 of this section shall submit a notice of intent and a project plan to
190 the department of economic development, which shall identify each known
191 constructing taxpayer and each known operating taxpayer for the project and
192 include any additional information the department of economic development may
193 reasonably require to determine eligibility for the exemption. The department of
194 economic development shall review the project plan and determine whether the
195 project is eligible for the exemption under subsection 4 of this section, conditional
196 upon subsequent verification by the department that the project meets the
197 requirements in subsection 1 of this section for an expanding facility project and

198 the execution of the agreement specified in subsection 6 of this section. The
199 department shall make such conditional determination within thirty days of
200 submission by the operating taxpayer. Failure of the department to respond
201 within thirty days shall result in a project plan being deemed conditionally
202 approved.

203 (2) The department of economic development shall convey such conditional
204 approval to the department of revenue and the identified project taxpayers. After
205 a conditionally approved facility has met the requirements in subsection 1 of this
206 section, the project taxpayers shall provide proof of the same to the department
207 of economic development. Upon verification of such proof, the department of
208 economic development shall certify the project to the department of revenue as
209 being eligible for the exemption dating retroactively to the first day of the
210 expansion of the facility. The department of revenue, upon receipt of adequate
211 proof of the amount of sales taxes paid since the first day of the expansion of the
212 facility, shall issue a refund of taxes paid but eligible for exemption under
213 subsection 4 of this section to any applicable project taxpayer and issue a
214 certificate of exemption to any applicable project taxpayer for ongoing exemptions
215 under subsection 4 of this section. The department of revenue shall issue such
216 a refund within thirty days of receipt of certification from the department of
217 economic development.

218 (3) The commencement of the exemption period may be delayed at the
219 option of the operating taxpayer, but not more than twenty-four months after the
220 execution of the agreement required under subsection 6 of this section.

221 6. (1) The exemptions in subsections 2 and 4 of this section shall be tied
222 to the new or expanding facility project. A certificate of exemption in the hands
223 of a taxpayer that is no longer an operating or constructing taxpayer of the new
224 or expanding facility project shall be invalid as of the date the taxpayer was no
225 longer an operating or constructing taxpayer of the new or expanding facility
226 project. New certificates of exemption shall be issued to successor constructing
227 taxpayers and operating taxpayers at such new or expanding facility
228 projects. The right to the exemption by successor taxpayers shall exist without
229 regard to subsequent levels of investment in the new or expanding facility by
230 successor taxpayers.

231 (2) As a condition of receiving an exemption under subsection 2 or 4 of
232 this section, the project taxpayers shall enter into an agreement with the
233 department of economic development providing for repayment penalties in the

234 event the data storage center project fails to comply with any of the requirements
235 of this section.

236 (3) The department of revenue shall credit any amounts remitted by the
237 project taxpayers under this subsection to the fund to which the sales and use
238 taxes exempted would have otherwise been credited.

239 7. Any project taxpayer who submits a notice of intent to the department
240 of economic development to expand a new facility by additional construction,
241 extension, improvement, or equipping within five years of the date the new
242 facility became operational shall be entitled to request the department undertake
243 an additional analysis to determine the projected net fiscal benefit of the
244 expansion to the state over a period of ten years as determined by the department
245 using the Regional Economic Modeling, Inc., data set or comparable data and
246 shall be entitled to an exemption under this section not to exceed such fiscal
247 benefit to the state for a period of not to exceed fifteen years.

248 8. The department of economic development and the department of
249 revenue shall cooperate in conducting random audits to ensure that the intent of
250 this section is followed.

251 9. Notwithstanding any other provision of law to the contrary, no recipient
252 of an exemption pursuant to this section shall be eligible for benefits under any
253 business recruitment tax credit, as defined in section 135.800.

254 10. The department of economic development and the department of
255 revenue shall jointly prescribe such rules and regulations necessary to carry out
256 the provisions of this section. Any rule or portion of a rule, as that term is
257 defined in section 536.010, that is created under the authority delegated in this
258 section shall become effective only if it complies with and is subject to all of the
259 provisions of chapter 536 and, if applicable, section 536.028. This section and
260 chapter 536 are nonseverable, and if any of the powers vested with the general
261 assembly pursuant to chapter 536 to review, to delay the effective date, or to
262 disapprove and annul a rule are subsequently held unconstitutional, then the
263 grant of rulemaking authority and any rule proposed or adopted after August 28,
264 2015, shall be invalid and void.

EXPLANATION: DUE TO THE ELIMINATION OF THE STATE FRANCHISE
TAX IN 2016, A TERMINATION DATE IS NECESSARY:

147.020. 1. For each taxable year beginning on or after January 1, 1980,
2 **but before January 1, 2016**, every corporation liable for the tax prescribed in
3 section 147.010 shall make a report in writing showing the financial condition of

4 the corporation at the beginning of business on the first day of its taxable year
5 to the director of revenue annually on or before the due date of the corporation's
6 state income tax return pursuant to chapter 143 in such form as the director of
7 revenue may prescribe. The report shall be signed by an officer of the
8 corporation.

9 2. For each taxable year beginning on or after January 1, 1980, **but**
10 **before January 1, 2016**, if a corporation obtains an extension of time for filing
11 its annual Missouri income tax return pursuant to section 143.551, such
12 corporation shall also be granted a corresponding extension of time for filing the
13 report required pursuant to sections 147.010 to 147.120 for its taxable year
14 immediately succeeding the taxable year for which the income tax extension is
15 granted.

16 3. Every corporation having a transitional year liable for the tax
17 prescribed in section 147.010 shall make a report in writing, showing the
18 financial condition of the corporation at the beginning of business on the first day
19 of its transitional year, on or before April 15, 1980, in such form as the director
20 may prescribe. The report shall be signed by an officer of the corporation.

EXPLANATION: DUE TO THE ELIMINATION OF THE STATE FRANCHISE
TAX IN 2016, A TERMINATION DATE IS NECESSARY:

147.050. 1. For each taxable year beginning on or after January 1, 1980,
2 **but before January 1, 2016**, every corporation organized pursuant to any laws
3 of this state and every foreign corporation engaged in business in this state and
4 having no shares shall make a report in writing to the director of revenue,
5 annually, on or before the fifteenth day of the fourth month of the corporation's
6 taxable year, in the form as the director of revenue may prescribe.

7 2. The report shall be signed by an officer of the corporation, and
8 forwarded to the director of revenue.

9 3. Every corporation having a transitional year and coming under the
10 provisions of this section shall make the report required in this section on or
11 before the fifteenth day of April, 1980.

EXPLANATION: THE AUTHORITY FOR AUDITS UNDER SUBSECTION 8 OF
THIS SECTION EXPIRED 12-31-13:

161.215. 1. There is hereby created in the state treasury the "Early
2 Childhood Development, Education and Care Fund" which is created to give
3 parents meaningful choices and assistance in choosing the child-care and
4 education arrangements that are appropriate for their family. All interest

5 received on the fund shall be credited to the fund. Notwithstanding the
6 provisions of section 33.080, moneys in the fund at the end of any biennium shall
7 not be transferred to the credit of the general revenue fund. Any moneys
8 deposited in such fund shall be used to support programs that prepare children
9 prior to the age in which they are eligible to enroll in kindergarten under section
10 160.053 to enter school ready to learn. All moneys deposited in the early
11 childhood development, education and care fund shall be annually appropriated
12 for voluntary early childhood development, education and care programs serving
13 children in every region of the state not yet enrolled in kindergarten. For fiscal
14 year 2013 and each subsequent fiscal year, at least thirty-five million dollars of
15 the funds received from the master settlement agreement, as defined in section
16 196.1000, shall be deposited in the early childhood development, education and
17 care fund.

18 2. No less than sixty percent of moneys deposited in the early childhood
19 development, education and care fund shall be appropriated as provided in this
20 subsection to the department of elementary and secondary education and to the
21 department of social services to provide early childhood development, education
22 and care programs through competitive grants to, or contracts with, governmental
23 or private agencies. Eighty percent of such moneys under the provisions of this
24 subsection and additional moneys as appropriated by the general assembly shall
25 be appropriated to the department of elementary and secondary education and
26 twenty percent of such moneys under the provisions of this subsection shall be
27 appropriated to the department of social services. The departments shall provide
28 public notice and information about the grant process to potential applicants:

29 (1) Grants or contracts may be provided for:

30 (a) Start-up funds for necessary materials, supplies, equipment and
31 facilities; and

32 (b) Ongoing costs associated with the implementation of a sliding parental
33 fee schedule based on income;

34 (2) Grant and contract applications shall, at a minimum, include:

35 (a) A funding plan which demonstrates funding from a variety of sources
36 including parental fees;

37 (b) A child development, education and care plan that is appropriate to
38 meet the needs of children;

39 (c) The identity of any partner agencies or contractual service providers;

40 (d) Documentation of community input into program development;

41 (e) Demonstration of financial and programmatic accountability on an
42 annual basis;

43 (f) Commitment to state licensure within one year of the initial grant, if
44 funding comes from the appropriation to the department of elementary and
45 secondary education and commitment to compliance with the requirements of the
46 department of social services, if funding comes from the department of social
47 services; and

48 (g) With respect to applications by public schools, the establishment of a
49 parent advisory committee within each public school program;

50 (3) In awarding grants and contracts under this subdivision, the
51 departments may give preference to programs which:

52 (a) Are new or expanding programs which increase capacity;

53 (b) Target geographic areas of high need, namely where the ratio of
54 program slots to children under the age of six in the area is less than the same
55 ratio statewide;

56 (c) Are programs designed for special needs children;

57 (d) Are programs that offer services during nontraditional hours and
58 weekends; or

59 (e) Are programs that serve a high concentration of low-income families.

60 3. No less than ten percent of moneys deposited in the early childhood
61 development, education and care fund shall be appropriated to the department
62 of social services to provide early childhood development, education and care
63 programs through child development, education and care certificates to families
64 whose income does not exceed one hundred eighty-five percent of the federal
65 poverty level in the manner pursuant to 42 U.S.C. Section 9858c(c)(2)(A) and 42
66 U.S.C. Section 9858n(2) for the purpose of funding early childhood development,
67 education and care programs as approved by the department of social services. At
68 a minimum, the certificate shall be of a value per child which is commensurate
69 with the per-child payment under paragraph (b) of subdivision (1) of subsection
70 2 of this section pertaining to the grants or contracts. On February first of each
71 year the department shall certify the total amount of child development,
72 education and care certificates applied for and the unused balance of the funds
73 shall be released to be used for supplementing the competitive grants and
74 contracts program authorized under subsection 2 of this section.

75 4. No less than ten percent of moneys deposited in the early childhood
76 development, education and care fund shall be appropriated to the department

77 of social services to increase reimbursements to child-care facilities for low-income
78 children that are accredited by a recognized, early childhood accrediting
79 organization.

80 5. No less than ten percent of the funds deposited in the early childhood
81 development, education and care fund shall be appropriated to the department
82 of social services to provide assistance to eligible parents whose family income
83 does not exceed one hundred eighty-five percent of the federal poverty level who
84 wish to care for their children under three years of age in the home, to enable
85 such parent to take advantage of early childhood development, education and care
86 programs for such parent's child or children. At a minimum, the certificate shall
87 be of a value per child which is commensurate with the per-child payment under
88 paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the
89 grants or contracts. The department of social services shall provide assistance
90 to these parents in the effective use of early childhood development, education
91 and care tools and methods.

92 6. In setting the value of parental certificates under subsection 3 of this
93 section and payments under subsection 5 of this section, the department of social
94 services may increase the value based on the following:

95 (1) The adult caretaker of the children successfully participates in the
96 parents as teachers program under the provisions of sections 178.691 to 178.699,
97 a training program provided by the department on early childhood development,
98 education and care, the home-based Head Start program as defined in 42 U.S.C.
99 Section 9832 or a similar program approved by the department;

100 (2) The adult caretaker consents to and clears a child abuse or neglect
101 screening [under subdivision (1) of subsection 2 of section 210.152]; and

102 (3) The degree of economic need of the family.

103 7. The department of elementary and secondary education and the
104 department of social services each shall by rule promulgated under chapter 536
105 establish guidelines for the implementation of the early childhood development,
106 education and care programs as provided in subsections 2 to 6 of this section.

107 8. [The state auditor shall conduct an audit of all moneys in the early
108 childhood development, education and care fund created in subsection 1 of this
109 section every year beginning January 1, 2011, and ending on December 31,
110 2013. The findings of each audit shall be distributed to the general assembly no
111 later than ten business days after the completion of such audit.

112 9.] Any rule or portion of a rule, as that term is defined in section 536.010,

113 that is created under the authority delegated in this section shall become effective
114 only if it complies with and is subject to all of the provisions of chapter 536 and
115 if applicable, section 536.028. This section and chapter 536 are nonseverable and
116 if any of the powers vested with the general assembly under chapter 536 to
117 review, to delay the effective date, or to disapprove and annul a rule are
118 subsequently held unconstitutional, then the grant of rulemaking authority and
119 any rule proposed or adopted after August 28, 2010, shall be invalid and void.

EXPLANATION: REMOVES LANGUAGE SUBSECTION 6 REGARDING A
ONE-TIME TRANSFER DURING THE 2014-2015 SCHOOL YEAR:

165.011. 1. The following funds are created for the accounting of all
2 school moneys: "Teachers' Fund", "Incidental Fund", "Capital Projects Fund" and
3 "Debt Service Fund". The treasurer of the school district shall open an account
4 for each fund specified in this section, and all moneys received from the county
5 school fund and all moneys derived from taxation for teachers' wages shall be
6 placed to the credit of the teachers' fund. All tuition fees, state moneys received
7 under section 163.031, and all other moneys received from the state except as
8 herein provided shall be placed to the credit of the teachers' and incidental funds
9 at the discretion of the district board of education, except as provided in
10 subsection 5 of section 163.031. Money received from other districts for
11 transportation and money derived from taxation for incidental expenses shall be
12 credited to the incidental fund. All money derived from taxation or received from
13 any other source for the erection of buildings or additions thereto and the
14 remodeling or reconstruction of buildings and the furnishing thereof, for the
15 payment of lease-purchase obligations, for the purchase of real estate, or from
16 sale of real estate, schoolhouses or other buildings of any kind, or school
17 furniture, from insurance, from sale of bonds other than refunding bonds shall be
18 placed to the credit of the capital projects fund. All moneys derived from the sale
19 or lease of sites, buildings, facilities, furnishings, and equipment by a school
20 district as authorized under section 177.088 shall be credited to the capital
21 projects fund. Money derived from taxation for the retirement of bonds and the
22 payment of interest thereon shall be credited to the debt service fund, which shall
23 be maintained as a separate bank account. Receipts from delinquent taxes shall
24 be allocated to the several funds on the same basis as receipts from current taxes,
25 except that where the previous years' obligations of the district would be affected
26 by such distribution, the delinquent taxes shall be distributed according to the
27 tax levies made for the years in which the obligations were incurred. All refunds

28 received shall be placed to the credit of the fund from which the original
29 expenditures were made. Money donated to the school districts shall be placed
30 to the credit of the fund where it can be expended to meet the purpose for which
31 it was donated and accepted. Money received from any other source whatsoever
32 shall be placed to the credit of the fund or funds designated by the board.

33 2. The school board may transfer any portion of the unrestricted balance
34 remaining in the incidental fund to the teachers' fund. Any district that uses an
35 incidental fund transfer to pay for more than twenty-five percent of the annual
36 certificated compensation obligation of the district and has an incidental fund
37 balance on June thirtieth in any year in excess of fifty percent of the combined
38 incidental teachers' fund expenditures for the fiscal year just ended shall be
39 required to transfer the excess from the incidental fund to the teachers' fund. If
40 a balance remains in the debt service fund, after the total outstanding
41 indebtedness for which the fund was levied is paid, the board may transfer the
42 unexpended balance to the capital projects fund. If a balance remains in the bond
43 proceeds after completion of the project for which the bonds were issued, the
44 balance shall be transferred from the incidental or capital projects fund to the
45 debt service fund. After making all placements of interest otherwise provided by
46 law, a school district may transfer from the capital projects fund to the incidental
47 fund the interest earned from undesignated balances in the capital projects fund.
48 A school district may borrow from one of the following funds: teachers' fund,
49 incidental fund, or capital projects fund, as necessary to meet obligations in
50 another of those funds; provided that the full amount is repaid to the lending
51 fund within the same fiscal year.

52 3. Tuition shall be paid from either the teachers' or incidental
53 funds. Employee benefits for certificated staff shall be paid from the teachers'
54 fund.

55 4. Other provisions of law to the contrary notwithstanding, the school
56 board of a school district that meets the provisions of subsection 5 of section
57 163.031 may transfer from the incidental fund to the capital projects fund the
58 sum of:

59 (1) The amount to be expended for transportation equipment that is
60 considered an allowable cost under state board of education rules for
61 transportation reimbursements during the current year; plus

62 (2) Any amount necessary to satisfy obligations of the capital projects
63 fund for state-approved area vocational-technical schools; plus

64 (3) Current year obligations for lease-purchase obligations entered into
65 prior to January 1, 1997; plus

66 (4) The amount necessary to repay costs of one or more guaranteed energy
67 savings performance contracts to renovate buildings in the school district,
68 provided that the contract is only for energy conservation measures as defined in
69 section 640.651 and provided that the contract specifies that no payment or total
70 of payments shall be required from the school district until at least an equal total
71 amount of energy and energy-related operating savings and payments from the
72 vendor pursuant to the contract have been realized by the school district; plus

73 (5) An amount not to exceed the greater of:

74 (a) One hundred sixty-two thousand three hundred twenty-six dollars; or

75 (b) Seven percent of the state adequacy target multiplied by the district's
76 weighted average daily attendance,

77 provided that transfer amounts in excess of current year obligations of the capital
78 projects fund authorized under this subdivision may be transferred only by a
79 resolution of the school board approved by a majority of the board members in
80 office when the resolution is voted on and identifying the specific capital projects
81 to be funded directly by the district by the transferred funds and an estimated
82 expenditure date.

83 5. Beginning in the 2006-07 school year, a district meeting the provisions
84 of subsection 5 of section 163.031 and not making the transfer under subdivision
85 (5) of subsection 4 of this section, nor making payments or expenditures related
86 to obligations made under section 177.088 may transfer from the incidental fund
87 to the debt service fund or the capital projects fund the greater of:

88 (1) The state aid received in the 2005-06 school year as a result of no more
89 than eighteen cents of the sum of the debt service and capital projects levy used
90 in the foundation formula and placed in the respective debt service or capital
91 projects fund, whichever fund had the designated tax levy; or

92 (2) Five percent of the state adequacy target multiplied by the district's
93 weighted average daily attendance.

94 6. [A district with territory in a county of the first classification with more
95 than one hundred fifteen thousand but fewer than one hundred fifty thousand
96 inhabitants that maintains the district office in a home rule city with more than
97 thirteen thousand five hundred but fewer than fifteen thousand inhabitants shall
98 be permitted a one-time transfer during school year 2014-15 of unrestricted funds
99 from the incidental fund to the capital projects fund in an amount that leaves the

100 incidental fund at a balance no lower than twenty percent for the purpose of
101 constructing capital projects to improve student safety.

102 7.] Beginning in the 2006-07 school year, the department of elementary
103 and secondary education shall deduct from a school district's state aid calculated
104 pursuant to section 163.031 an amount equal to the amount of any transfer of
105 funds from the incidental fund to the capital projects fund or debt service fund
106 performed during the previous year in violation of this section; except that the
107 state aid shall be deducted over no more than five school years following the
108 school year of an unlawful transfer based on a plan from the district approved by
109 the commissioner of elementary and secondary education.

110 [8.] 7. A school district may transfer unrestricted funds from the capital
111 projects fund to the incidental fund in any year to avoid becoming financially
112 stressed as defined in subsection 1 of section 161.520. If on June thirtieth of any
113 fiscal year the sum of unrestricted balances in a school district's incidental fund
114 and teacher's fund is less than twenty percent of the sum of the school district's
115 expenditures from those funds for the fiscal year ending on that June thirtieth,
116 the school district may, during the next succeeding fiscal year, transfer to its
117 incidental fund an amount up to and including the amount of the unrestricted
118 balance in its capital projects fund on that June thirtieth. For purposes of this
119 subsection, in addition to any other restrictions that may apply to funds in the
120 school district's capital projects fund, any funds that are derived from the
121 proceeds of one or more general obligation bond issues shall be considered
122 restricted funds and shall not be transferred to the school district's incidental
123 fund.

EXPLANATION: REMOVES OBSOLETE TEXTBOOK LANGUAGE:

170.051. 1. As used in this section, the term "textbook" means workbooks,
2 manuals, or other books, whether bound or in loose-leaf form, intended for use as
3 a principal source of study material for a given class or group of students, a copy
4 of which is expected to be available for the individual use of each pupil in such
5 class or group.

6 2. Each public school board shall purchase and loan free all textbooks for
7 all children who are enrolled in grades kindergarten through twelve in the public
8 schools of the district, and may purchase textbooks and instructional materials
9 for prekindergarten students.

10 3. [Only textbooks which are filed with the state board of education
11 pursuant to section 170.061 shall be purchased and loaned under this section. No

12 textbooks shall be purchased or loaned under this section to be used in any form
13 of religious instruction or worship.

14 4.] Each school board shall purchase from the incidental fund of the
15 district all the new or used textbooks for all the pupils in all grades and preschool
16 programs of the public schools of the district. The board may also expend
17 incidental fund moneys to provide supplementary texts, library and reference
18 books, contractual educational television services, and any other instructional
19 supplies for all the pupils of the public schools of the district. All books
20 purchased from district funds are the property of the district but shall be
21 furnished, under rules and regulations prescribed by the school board, to the
22 pupils without charge, except for abuse or willful destruction.

EXPLANATION: REMOVES LANGUAGE WHICH APPLIED ONLY TO FISCAL
YEAR 2010:

178.930. 1. [(1) Beginning July 1, 2009, and until June 30, 2010, the
2 department of elementary and secondary education shall pay monthly, out of the
3 funds appropriated to it for that purpose, to each sheltered workshop a sum equal
4 to ninety dollars for each standard workweek (Monday through Friday) of up to
5 and including thirty hours worked during the preceding calendar
6 month. Eighteen dollars shall be paid for each six-hour or longer day worked by
7 a handicapped employee on Saturdays or Sundays. For each handicapped worker
8 employed by a sheltered workshop for less than a thirty-hour week or a six-hour
9 day on Saturdays or Sundays, the workshop shall receive a percentage of the
10 corresponding amount normally paid based on the percentage of time worked by
11 the handicapped employee.

12 (2)] Beginning July 1, 2010, and thereafter, the department of elementary
13 and secondary education shall pay monthly, out of the funds appropriated to it
14 for that purpose, to each sheltered workshop a sum equal to ninety-five dollars
15 for each standard workweek (Monday through Friday) of up to and including
16 thirty hours worked during the preceding calendar month. Nineteen dollars shall
17 be paid for each six-hour or longer day worked by a handicapped employee on
18 Saturdays or Sundays. For each handicapped worker employed by a sheltered
19 workshop for less than a thirty-hour week or a six-hour day on Saturdays or
20 Sundays, the workshop shall receive a percentage of the corresponding amount
21 normally paid based on the percentage of time worked by the handicapped
22 employee.

23 2. The department shall accept, as prima facie proof of payment due to a

24 sheltered workshop, information as designated by the department, either in paper
25 or electronic format. A statement signed by the president, secretary, and
26 manager of the sheltered workshop, setting forth the dates worked and the
27 number of hours worked each day by each handicapped person employed by that
28 sheltered workshop during the preceding calendar month, together with any other
29 information required by the rules or regulations of the department, shall be
30 maintained at the workshop location.

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

36 4. The balance of the sheltered workshop per diem revolving fund shall
37 not exceed five hundred thousand dollars at the end of each fiscal year and shall
38 be exempt from the provisions of section 33.080 relating to the transfer of
39 unexpended balances to the general revenue fund. Any unexpended balance in
40 the sheltered workshop per diem revolving fund at the end of each fiscal year
41 exceeding five hundred thousand dollars shall be deposited in the general revenue
42 fund.

EXPLANATION: REMOVES AN OBSOLETE REFERENCE TO THE FEDERAL
FOOD, DRUG, AND COSMETIC ACT REPEALED IN 1997:

196.973. As used in sections 196.970 to 196.984, the following terms shall
2 mean:

3 (1) "Health care professional", any of the following persons licensed and
4 authorized to prescribe and dispense drugs and to provide medical, dental, or
5 other health-related diagnoses, care, or treatment:

- 6 (a) A licensed physician or surgeon;
- 7 (b) A registered nurse or licensed practical nurse;
- 8 (c) A physician assistant;
- 9 (d) A dentist;
- 10 (e) A dental hygienist;
- 11 (f) An optometrist;
- 12 (g) A pharmacist; and
- 13 (h) A podiatrist;

14 (2) "Hospital", the same meaning as such term is defined in section
15 197.020;

16 (3) "Nonprofit clinic", a facility organized as not for profit in which advice,
17 counseling, diagnosis, treatment, surgery, care, or services relating to the
18 preservation or maintenance of health are provided on an outpatient basis for a
19 period of less than twenty-four consecutive hours to persons not residing or
20 confined at such facility;

21 (4) "Out-of-state charitable repository", any of the following:

22 (a) A bona fide charitable, religious, or nonprofit organization, licensed or
23 registered in this state as an out-of-state wholesale drug distributor under
24 sections 338.210 to 338.370 and that otherwise qualifies as an exempt
25 organization under Section 501(c)(3) of Title 26, United States Code, as amended;
26 or

27 (b) A foreign medical aid mission group that distributes pharmaceuticals
28 and health care supplies to needy persons abroad;

29 (5) "Prescription drug", a drug which may be dispensed only upon
30 prescription by an authorized prescriber and which is approved for safety and
31 effectiveness as a prescription drug under Section 505 [or 507] of the Federal
32 Food, Drug, and Cosmetic Act.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 03-02:

208.156. 1. The **family support** division [of family services] **or the MO**
2 **HealthNet division** shall provide for granting an opportunity for a fair hearing
3 under section 208.080 to any applicant or recipient whose claim for medical
4 assistance is denied or is not acted upon with reasonable promptness.

5 2. Any person authorized under section 208.153 to provide services for
6 which benefit payments are authorized under section 208.152 whose claim for
7 reimbursement for such services is denied or is not acted upon with reasonable
8 promptness shall be entitled to a hearing before the administrative hearing
9 commission pursuant to the provisions of chapter 621.

10 3. Any person authorized under section 208.153 to provide services for
11 which benefit payments are authorized under section 208.152 who is denied
12 participation in any program or programs established under the provisions of
13 chapter 208 shall be entitled to a hearing before the administrative hearing
14 commission pursuant to the provisions of chapter 621.

15 4. Any person authorized under section 208.153 to provide services for
16 which benefit payments are authorized under section 208.152 who is aggrieved

17 by any rule or regulation promulgated by the department of social services or any
18 division therein shall be entitled to a hearing before the administrative hearing
19 commission pursuant to the provisions of chapter 621.

20 5. Any person authorized under section 208.153 to provide services for
21 which benefit payments are authorized under section 208.152 who is aggrieved
22 by any rule or regulation, contractual agreement, or decision, as provided for in
23 section 208.166, by the department of social services or any division therein shall
24 be entitled to a hearing before the administrative hearing commission pursuant
25 to the provisions of chapter 621.

26 6. No provider of service may file a petition for a hearing before the
27 administrative hearing commission unless the amount for which he seeks
28 reimbursement exceeds five hundred dollars.

29 7. One or more providers of service as will fairly insure adequate
30 representation of others having similar claims against the department of social
31 services or any division therein may institute the hearing on behalf of all in the
32 class if there is a common question of law or fact affecting the several rights and
33 a common relief is sought.

34 8. Any person authorized under section 208.153 to provide services for
35 which benefit payments are authorized under section 208.152 and who is entitled
36 to a hearing as provided for in the preceding sections shall have thirty days from
37 the date of mailing or delivery of a decision of the department of social services
38 or its designated division in which to file his petition for review with the
39 administrative hearing commission except that claims of less than five hundred
40 dollars may be accumulated until they total that sum and at which time the
41 provider shall have ninety days to file his petition.

42 9. When a person entitled to a hearing as provided for in this section
43 applies to the administrative hearing commission for a stay order staying the
44 actions of the department of social services or its divisions, the administrative
45 hearing commission shall not grant such stay order until after a full hearing on
46 such application. The application shall be advanced on the docket for immediate
47 hearing and determination. The person applying for such stay order shall not be
48 granted such stay order unless that person shall show that immediate and
49 irreparable injury, loss, or damage will result if such stay order is denied, or that
50 such person has a reasonable likelihood of success upon the merits of his claim;
51 and provided further that no stay order shall be issued without the person
52 seeking such order posting a bond in such sum as the administrative hearing

53 commission finds sufficient to protect and preserve the interest of the department
54 of social services or its divisions. In no event may the administrative hearing
55 commission grant such stay order where the claim arises under a program or
56 programs funded by federal funds or by any combination of state and federal
57 funds, unless it is specified in writing by the financial section of the appropriate
58 federal agency that federal financial participation will be continued under the
59 stay order.

60 10. The other provisions of this section notwithstanding, a person
61 receiving or providing benefits shall have the right to bring an action in
62 appealing from the administrative hearing commission in the circuit court of Cole
63 County, Missouri, or the county of his residence pursuant to section 536.050.

EXPLANATION: SUBDIVISION (4) OF SUBSECTION 3 OF THIS SECTION IS
OBSOLETE DUE TO THE REPEAL OF SECTION 167.195 IN 2015:

209.015. 1. There is hereby created in the state treasury the "Blindness
2 Education, Screening and Treatment Program Fund". The fund shall consist of
3 moneys donated pursuant to subsection 7 of section 301.020 and subsection 3 of
4 section 302.171. Unexpended balances in the fund at the end of any fiscal year
5 shall not be transferred to the general revenue fund or any other fund, the
6 provisions of section 33.080 to the contrary notwithstanding.

7 2. Subject to the availability of funds in the blindness education,
8 screening and treatment program fund, the department of social services shall
9 develop a blindness education, screening and treatment program to provide
10 blindness prevention education and to provide screening and treatment for
11 persons who do not have adequate coverage for such services under a health
12 benefit plan.

13 3. The program shall provide for:

14 (1) Public education about blindness and other eye conditions;

15 (2) Screenings and eye examinations to identify conditions that may cause
16 blindness; **and**

17 (3) Treatment procedures necessary to prevent blindness[]; and

18 (4) Any additional costs for vision examinations under section 167.195
19 that are not covered by existing public or private health insurance. Subject to
20 appropriations, moneys from the fund shall be used to pay for those additional
21 costs, provided that the costs do not exceed ninety-nine thousand dollars per
22 year. Payment from the fund for vision examinations under section 167.195 shall
23 not exceed the allowable state Medicaid reimbursement amount for vision

24 examinations].

25 4. The department may contract for program development with any
26 department-approved nonprofit organization dealing with regional and community
27 blindness education, eye donor and vision treatment services.

28 5. The department may adopt rules to prescribe eligibility requirements
29 for the program.

30 6. No rule or portion of a rule promulgated pursuant to the authority of
31 this section shall become effective unless it has been promulgated pursuant to the
32 provisions of chapter 536.

EXPLANATION: REPLACES INACCURATE LANGUAGE ENACTED IN 2014
WITH CORRECT TERMINOLOGY:

210.027. 1. For child-care providers who receive state or federal funds for
2 providing child-care [fee assistance] **services**, either by direct payment or
3 through reimbursement to a child-care beneficiary, the department of social
4 services shall:

5 (1) Establish publicly available website access to provider-specific
6 information about any health and safety licensing or regulatory requirements for
7 the providers, and including dates of inspections, history of violations, and
8 compliance actions taken, as well as the consumer education information required
9 under subdivision (12) of this section;

10 (2) Establish or designate one hotline for parents to submit complaints
11 about child care providers;

12 (3) Be authorized to revoke the registration of a registered provider for
13 due cause;

14 (4) Require providers to be at least eighteen years of age;

15 (5) Establish minimum requirements for building and physical premises
16 to include:

17 (a) Compliance with state and local fire, health, and building codes, which
18 shall include the ability to evacuate children in the case of an emergency; and

19 (b) Emergency preparedness and response planning.

20 Child care providers shall meet these minimum requirements prior to receiving
21 federal assistance. Where there are no local ordinances or regulations regarding
22 smoke detectors, the department shall require providers, by rule, to install and
23 maintain an adequate number of smoke detectors in the residence or other
24 building where child care is provided;

25 (6) Require providers to be tested for tuberculosis on the schedule

26 required for employees in licensed facilities;

27 (7) Require providers to notify parents if the provider does not have
28 immediate access to a telephone;

29 (8) Make providers aware of local opportunities for training in first aid
30 and child care;

31 (9) Promulgate rules and regulations to define preservice training
32 requirements for child care providers and employees pursuant to applicable
33 federal laws and regulations;

34 (10) Establish procedures for conducting unscheduled on-site monitoring
35 of child care providers prior to receiving state or federal funds for providing child
36 care services either by direct payment or through reimbursement to a child care
37 beneficiary, and annually thereafter;

38 (11) Require child care providers who receive assistance under applicable
39 federal laws and regulations to report to the department any serious injuries or
40 death of children occurring in child care; and

41 (12) With input from statewide stakeholders such as parents, child care
42 providers or administrators, and system advocate **[group] groups**, establish a
43 transparent system of quality indicators appropriate to the provider setting that
44 shall provide parents with a way to differentiate between child care providers
45 available in their communities as required by federal rules. The system shall
46 describe the standards used to assess the quality of child care providers. The
47 system shall indicate whether the provider meets Missouri's registration or
48 licensing standards, is in compliance with applicable health and safety
49 requirements, and the nature of any violations related to registration or licensing
50 requirements. The system shall also indicate if the provider utilizes curricula
51 and if the provider is in compliance with staff educational requirements. Such
52 system of quality indicators established under this subdivision with the input
53 from stakeholders shall be promulgated by rules. Any rule or portion of a rule,
54 as that term is defined in section 536.010, that is created under the authority
55 delegated in this section shall become effective only if it complies with and is
56 subject to all of the provisions of chapter 536 and, if applicable, section
57 536.028. This section and chapter 536 are nonseverable and if any of the powers
58 vested with the general assembly pursuant to chapter 536 to review, to delay the
59 effective date, or to disapprove and annul a rule are subsequently held
60 unconstitutional, then the grant of rulemaking authority and any rule proposed
61 or adopted after August 28, 2014, shall be invalid and void. This subdivision

62 shall not be construed as authorizing the operation, establishment, maintenance,
63 or mandating or offering of incentives to participate in a quality rating system
64 under section 161.216.

65 2. No state agency shall enforce the provisions of this section until
66 October 1, 2015, or six months after the implementation of federal regulations
67 mandating such provisions, whichever is later.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE IN SUBSECTION 1:

210.114. 1. Except as otherwise provided in section 207.085, [a private
2 contractor, as defined in subdivision (4) of section 210.110, with the children's
3 division that receives] **private contractors who in their capacities as**
4 **children's services providers and agencies, as defined in section**
5 **210.110, receive** state moneys from the division or the department for providing
6 services to children and their families **under section 210.112** shall have
7 qualified immunity from civil liability for providing such services when the child
8 is not in the physical care of such private contractor to the same extent that the
9 children's division has qualified immunity from civil liability when the division
10 or department directly provides such services.

11 2. This section shall not apply if a private contractor described above
12 knowingly violates a stated or written policy of the division, any rule promulgated
13 by the division, or any state law directly related to child abuse and neglect, or
14 any state law directly related to the child abuse and neglect activities of the
15 division or any local ordinance relating to the safety condition of the property.

EXPLANATION: THIS SECTION CHANGES THE NUMERICAL REFERENCE
TO BLOOD ALCOHOL CONTENT TO A WORD DESCRIPTION TO MAKE IT
CONSISTENT WITH OTHER STATUTORY BLOOD ALCOHOL REFERENCES:

211.447. 1. Any information that could justify the filing of a petition to
2 terminate parental rights may be referred to the juvenile officer by any
3 person. The juvenile officer shall make a preliminary inquiry and if it appears
4 that the information could justify the filing of a petition, the juvenile officer may
5 take further action, including filing a petition. If it does not appear to the
6 juvenile officer that a petition should be filed, such officer shall so notify the
7 informant in writing within thirty days of the referral. Such notification shall
8 include the reasons that the petition will not be filed.

9 2. Except as provided for in subsection 4 of this section, a petition to
10 terminate the parental rights of the child's parent or parents shall be filed by the

11 juvenile officer or the division, or if such a petition has been filed by another
12 party, the juvenile officer or the division shall seek to be joined as a party to the
13 petition, when:

14 (1) Information available to the juvenile officer or the division establishes
15 that the child has been in foster care for at least fifteen of the most recent
16 twenty-two months; or

17 (2) A court of competent jurisdiction has determined the child to be an
18 abandoned infant. For purposes of this subdivision, an "infant" means any child
19 one year of age or under at the time of filing of the petition. The court may find
20 that an infant has been abandoned if:

21 (a) The parent has left the child under circumstances that the identity of
22 the child was unknown and could not be ascertained, despite diligent searching,
23 and the parent has not come forward to claim the child; or

24 (b) The parent has, without good cause, left the child without any
25 provision for parental support and without making arrangements to visit or
26 communicate with the child, although able to do so; or

27 (c) The parent has voluntarily relinquished a child under section 210.950;
28 or

29 (3) A court of competent jurisdiction has determined that the parent has:

30 (a) Committed murder of another child of the parent; or

31 (b) Committed voluntary manslaughter of another child of the parent; or

32 (c) Aided or abetted, attempted, conspired or solicited to commit such a
33 murder or voluntary manslaughter; or

34 (d) Committed a felony assault that resulted in serious bodily injury to
35 the child or to another child of the parent.

36 3. A termination of parental rights petition shall be filed by the juvenile
37 officer or the division, or if such a petition has been filed by another party, the
38 juvenile officer or the division shall seek to be joined as a party to the petition,
39 within sixty days of the judicial determinations required in subsection 2 of this
40 section, except as provided in subsection 4 of this section. Failure to comply with
41 this requirement shall not deprive the court of jurisdiction to adjudicate a
42 petition for termination of parental rights which is filed outside of sixty days.

43 4. If grounds exist for termination of parental rights pursuant to
44 subsection 2 of this section, the juvenile officer or the division may, but is not
45 required to, file a petition to terminate the parental rights of the child's parent
46 or parents if:

47 (1) The child is being cared for by a relative; or
48 (2) There exists a compelling reason for determining that filing such a
49 petition would not be in the best interest of the child, as documented in the
50 permanency plan which shall be made available for court review; or

51 (3) The family of the child has not been provided such services as provided
52 for in section 211.183.

53 5. The juvenile officer or the division may file a petition to terminate the
54 parental rights of the child's parent when it appears that one or more of the
55 following grounds for termination exist:

56 (1) The child has been abandoned. For purposes of this subdivision a
57 "child" means any child over one year of age at the time of filing of the
58 petition. The court shall find that the child has been abandoned if, for a period
59 of six months or longer:

60 (a) The parent has left the child under such circumstances that the
61 identity of the child was unknown and could not be ascertained, despite diligent
62 searching, and the parent has not come forward to claim the child; or

63 (b) The parent has, without good cause, left the child without any
64 provision for parental support and without making arrangements to visit or
65 communicate with the child, although able to do so;

66 (2) The child has been abused or neglected. In determining whether to
67 terminate parental rights pursuant to this subdivision, the court shall consider
68 and make findings on the following conditions or acts of the parent:

69 (a) A mental condition which is shown by competent evidence either to be
70 permanent or such that there is no reasonable likelihood that the condition can
71 be reversed and which renders the parent unable to knowingly provide the child
72 the necessary care, custody and control;

73 (b) Chemical dependency which prevents the parent from consistently
74 providing the necessary care, custody and control of the child and which cannot
75 be treated so as to enable the parent to consistently provide such care, custody
76 and control;

77 (c) A severe act or recurrent acts of physical, emotional or sexual abuse
78 toward the child or any child in the family by the parent, including an act of
79 incest, or by another under circumstances that indicate that the parent knew or
80 should have known that such acts were being committed toward the child or any
81 child in the family; or

82 (d) Repeated or continuous failure by the parent, although physically or

83 financially able, to provide the child with adequate food, clothing, shelter, or
84 education as defined by law, or other care and control necessary for the child's
85 physical, mental, or emotional health and development.

86 Nothing in this subdivision shall be construed to permit discrimination on the
87 basis of disability or disease;

88 (3) The child has been under the jurisdiction of the juvenile court for a
89 period of one year, and the court finds that the conditions which led to the
90 assumption of jurisdiction still persist, or conditions of a potentially harmful
91 nature continue to exist, that there is little likelihood that those conditions will
92 be remedied at an early date so that the child can be returned to the parent in
93 the near future, or the continuation of the parent-child relationship greatly
94 diminishes the child's prospects for early integration into a stable and permanent
95 home. In determining whether to terminate parental rights under this
96 subdivision, the court shall consider and make findings on the following:

97 (a) The terms of a social service plan entered into by the parent and the
98 division and the extent to which the parties have made progress in complying
99 with those terms;

100 (b) The success or failure of the efforts of the juvenile officer, the division
101 or other agency to aid the parent on a continuing basis in adjusting his
102 circumstances or conduct to provide a proper home for the child;

103 (c) A mental condition which is shown by competent evidence either to be
104 permanent or such that there is no reasonable likelihood that the condition can
105 be reversed and which renders the parent unable to knowingly provide the child
106 the necessary care, custody and control;

107 (d) Chemical dependency which prevents the parent from consistently
108 providing the necessary care, custody and control over the child and which cannot
109 be treated so as to enable the parent to consistently provide such care, custody
110 and control; or

111 (4) The parent has been found guilty or pled guilty to a felony violation
112 of chapter 566 when the child or any child in the family was a victim, or a
113 violation of section 568.020 when the child or any child in the family was a
114 victim. As used in this subdivision, a "child" means any person who was under
115 eighteen years of age at the time of the crime and who resided with such parent
116 or was related within the third degree of consanguinity or affinity to such parent;
117 or

118 (5) The child was conceived and born as a result of an act of forcible rape

119 or rape in the first degree. When the biological father has pled guilty to, or is
120 convicted of, the forcible rape or rape in the first degree of the birth mother, such
121 a plea or conviction shall be conclusive evidence supporting the termination of the
122 biological father's parental rights; or

123 (6) (a) The parent is unfit to be a party to the parent and child
124 relationship because of a consistent pattern of committing a specific abuse
125 including, but not limited to, specific conditions directly relating to the parent
126 and child relationship which are determined by the court to be of a duration or
127 nature that renders the parent unable for the reasonably foreseeable future to
128 care appropriately for the ongoing physical, mental, or emotional needs of the
129 child.

130 (b) It is presumed that a parent is unfit to be a party to the parent and
131 child relationship upon a showing that:

132 a. Within a three-year period immediately prior to the termination
133 adjudication, the parent's parental rights to one or more other children were
134 involuntarily terminated pursuant to subsection 2 or 4 of this section or
135 subdivision (1), (2), (3), or (4) of this subsection or similar laws of other states;

136 b. If the parent is the birth mother and within eight hours after the
137 child's birth, the child's birth mother tested positive and over **[.08] eight-**
138 **hundredths of one percent** blood alcohol content pursuant to testing under
139 section 577.020 for alcohol, or tested positive for cocaine, heroin,
140 methamphetamine, a controlled substance as defined in section 195.010, or a
141 prescription drug as defined in section 196.973, excepting those controlled
142 substances or prescription drugs present in the mother's body as a result of
143 medical treatment administered to the mother, and the birth mother is the
144 biological mother of at least one other child who was adjudicated an abused or
145 neglected minor by the mother or the mother has previously failed to complete
146 recommended treatment services by the children's division through a
147 family-centered services case;

148 c. If the parent is the birth mother and at the time of the child's birth or
149 within eight hours after a child's birth the child tested positive for alcohol,
150 cocaine, heroin, methamphetamine, a controlled substance as defined in section
151 195.010, or a prescription drug as defined in section 196.973, excepting those
152 controlled substances or prescription drugs present in the mother's body as a
153 result of medical treatment administered to the mother, and the birth mother is
154 the biological mother of at least one other child who was adjudicated an abused

155 or neglected minor by the mother or the mother has previously failed to complete
156 recommended treatment services by the children's division through a
157 family-centered services case; or

158 d. Within a three-year period immediately prior to the termination
159 adjudication, the parent has pled guilty to or has been convicted of a felony
160 involving the possession, distribution, or manufacture of cocaine, heroin, or
161 methamphetamine, and the parent is the biological parent of at least one other
162 child who was adjudicated an abused or neglected minor by such parent or such
163 parent has previously failed to complete recommended treatment services by the
164 children's division through a family-centered services case.

165 6. The juvenile court may terminate the rights of a parent to a child upon
166 a petition filed by the juvenile officer or the division, or in adoption cases, by a
167 prospective parent, if the court finds that the termination is in the best interest
168 of the child and when it appears by clear, cogent and convincing evidence that
169 grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

170 7. When considering whether to terminate the parent-child relationship
171 pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of
172 subsection 5 of this section, the court shall evaluate and make findings on the
173 following factors, when appropriate and applicable to the case:

174 (1) The emotional ties to the birth parent;

175 (2) The extent to which the parent has maintained regular visitation or
176 other contact with the child;

177 (3) The extent of payment by the parent for the cost of care and
178 maintenance of the child when financially able to do so including the time that
179 the child is in the custody of the division or other child-placing agency;

180 (4) Whether additional services would be likely to bring about lasting
181 parental adjustment enabling a return of the child to the parent within an
182 ascertainable period of time;

183 (5) The parent's disinterest in or lack of commitment to the child;

184 (6) The conviction of the parent of a felony offense that the court finds is
185 of such a nature that the child will be deprived of a stable home for a period of
186 years; provided, however, that incarceration in and of itself shall not be grounds
187 for termination of parental rights;

188 (7) Deliberate acts of the parent or acts of another of which the parent
189 knew or should have known that subjects the child to a substantial risk of
190 physical or mental harm.

191 8. The court may attach little or no weight to infrequent visitations,
192 communications, or contributions. It is irrelevant in a termination proceeding
193 that the maintenance of the parent-child relationship may serve as an
194 inducement for the parent's rehabilitation.

195 9. In actions for adoption pursuant to chapter 453, the court may hear and
196 determine the issues raised in a petition for adoption containing a prayer for
197 termination of parental rights filed with the same effect as a petition permitted
198 pursuant to subsection 2, 4, or 5 of this section.

199 10. The disability or disease of a parent shall not constitute a basis for a
200 determination that a child is a child in need of care, for the removal of custody
201 of a child from the parent, or for the termination of parental rights without a
202 specific showing that there is a causal relation between the disability or disease
203 and harm to the child.

EXPLANATION: UPDATES OBSOLETE TERMINOLOGY REGARDING
DISABILITIES AND THE TITLES OF DEPARTMENT PERSONNEL:

226.805. 1. There is hereby created the "Interagency Committee on
2 Special Transportation" within the Missouri department of transportation. The
3 members of the committee shall be: the [assistant for transportation] **director**
4 of the Missouri department of transportation, or his or her designee; the
5 [assistant] **deputy** commissioner of the department of elementary and secondary
6 education, responsible for special transportation, or his or her designee; the
7 director **of the division of senior and disability services** of the department
8 of health and senior services, or the director's designee; the director of the
9 [children's] **family support** division of the department of social services, or the
10 director's designee; the director of the division of developmental disabilities and
11 the [deputy] director [for administration] **of the division of administrative**
12 **services** of the department of mental health, or [their] **the directors'** designees;
13 the executive [secretary] **director** of the governor's [committee on the
14 employment of the handicapped] **council on disability**; and other state agency
15 representatives as the governor deems appropriate for temporary or permanent
16 membership by executive order.

17 2. The interagency committee on special transportation shall:

18 (1) Jointly designate substate special transportation planning and service
19 areas within the state;

20 (2) Jointly designate a special transportation planning council for each
21 special transportation planning and service area. The special transportation

22 planning council shall be composed of the area agency on aging, the regional
23 center for developmental disabilities, the regional planning commission and other
24 local organizations responsible for funding and organizing special transportation
25 designated by the interagency committee. The special transportation planning
26 councils will oversee and approve the preparation of special transportation
27 plans. Staff support for the special transportation planning councils will be
28 provided by the regional planning commissions serving the area with funds
29 provided by the department of transportation for this purpose;

30 (3) Jointly establish a uniform planning format and content;

31 (4) Individually and jointly establish uniform budgeting and reporting
32 standards for all transportation funds administered by the member
33 agencies. These standards shall be adopted into the administrative rules of each
34 member agency;

35 (5) Individually establish annual allocations of funds to support special
36 transportation services in each of the designated planning and service areas;

37 (6) Individually and jointly adopt a five-year planning budget for the
38 capital and operating needs of special transportation in Missouri;

39 (7) Individually develop administrative and adopt rules for the substate
40 division of special transportation funds;

41 (8) Jointly review and accept annual capital and operating plans for the
42 designated special transportation planning and service areas;

43 (9) Individually submit proposed expenditures to the interagency
44 committee for review as to conformity with the areas special transportation plans.
45 All expenditures are to be made in accordance with the plans or by special action
46 of the interagency committee.

47 3. The assistant for transportation of the Missouri department of
48 transportation shall serve as chairman of the committee.

49 4. Staff for the committee shall be provided by the Missouri department
50 of transportation.

51 5. The committee shall meet on such a schedule and carry out its duties
52 in such a way as to discharge its responsibilities over special transportation
53 expenditures made for the state fiscal year beginning July 1, 1989, and all
54 subsequent years.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE ENACTED IN 2015:

261.295. The department of agriculture shall promulgate rules and

2 regulations for the implementation of sections 261.270 to 261.295. Any rule or
 3 portion of a rule, as that term is defined in section 536.010, that is created under
 4 the authority delegated in this section and section [348.273] **348.075** shall
 5 become effective only if it complies with and is subject to all of the provisions of
 6 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
 7 nonseverable and if any of the powers vested with the general assembly pursuant
 8 to chapter 536 to review, to delay the effective date, or to disapprove and annul
 9 a rule are subsequently held unconstitutional, then the grant of rulemaking
 10 authority and any rule proposed or adopted after August 28, 2015, shall be
 11 invalid and void.

EXPLANATION: REMOVES THE LANGUAGE IN SUBSECTION 2
 (INACCURATE PLACEMENT, SEE SECTION 288.128 BELOW):

288.121. [1.] On October first of each calendar year, if the average
 2 balance, less any federal advances, of the unemployment compensation trust fund
 3 of the four preceding quarters (September thirtieth, June thirtieth, March
 4 thirty-first and December thirty-first of the preceding calendar year) is less than
 5 four hundred fifty million dollars, then each employer's contribution rate
 6 calculated for the four calendar quarters of the succeeding calendar year shall be
 7 increased by the percentage determined from the following table:

Balance in Trust Fund			Percentage of Increase
Less Than	Equals or Exceeds		
\$450,000,000	\$400,000,000		10%
\$400,000,000	\$350,000,000		20%
\$350,000,000			30%

14 For calendar years 2005, 2006, and 2007, the contribution rate of any employer
 15 who is paying the maximum contribution rate shall be increased by forty percent,
 16 instead of thirty percent as previously indicated in the table in this section.

17 [2. For calendar year 2007 and each year thereafter, an employer's total
 18 contribution rate shall equal the employer's contribution rate plus a temporary
 19 debt indebtedness assessment equal to the amount to be determined in
 20 subdivision (6) of subsection 2 of section 288.330 added to the contribution rate
 21 plus the increase authorized under subsection 1 of this section. Any moneys
 22 overcollected beyond the actual administrative, interest and principal repayment
 23 costs for the credit instruments used shall be deposited into the state
 24 unemployment insurance trust fund and credited to the employer's experience

25 account.]

EXPLANATION: ADDS THE LANGUAGE REMOVED FROM SECTION 288.121
TO PLACE IT IN THE APPROPRIATE STATUTORY SECTION:

288.128. 1. If the fund is utilizing moneys advanced by the federal
2 government under the provisions of 42 U.S.C.A., Section 1321, pursuant to section
3 288.330, each employer may be assessed an amount solely for the payment of
4 interest due on such federal advancements. The rate shall be determined by
5 dividing the interest due on federal advancements by ninety-five percent of the
6 total taxable wages paid by all Missouri employers in the preceding calendar
7 year. Each employer's proportionate share shall be the product obtained by
8 multiplying such employer's total taxable wages for the preceding calendar year
9 by the rate specified in this section. Each employer shall be notified of the
10 amount due under this section by June thirtieth of each year and such amount
11 shall be considered delinquent thirty days thereafter. The moneys collected from
12 each employer for the payment of interest due on federal advances shall be
13 deposited in the special employment security fund.

14 2. If on December thirty-first of any year the money collected under
15 subsection 1 of this section exceeds the amount of interest due on federal
16 advancements by one hundred thousand dollars or more, then each employer's
17 experience rating account shall be credited with an amount which bears the same
18 ratio to the excess moneys collected under this section as that employer's
19 payment collected under this section bears to the total amount collected under
20 this section. Further, if on December thirty-first of any year the moneys collected
21 under this section exceed the amount of interest due on the federal advancements
22 by less than one hundred thousand dollars, the balance shall be transferred from
23 the special employment security fund to the Secretary of the Treasury of the
24 United States to be credited to the account of this state in the unemployment
25 trust fund.

26 3. If the fund is utilizing moneys from the proceeds of credit instruments
27 issued under section 288.330, or from the moneys advanced under financial
28 agreements under subdivision (17) of subsection 2 of section 288.330, or a
29 combination of credit instrument proceeds and moneys advanced under financial
30 agreements each employer may be assessed a credit instrument and financing
31 agreement repayment surcharge. The total of such surcharge shall be calculated
32 as an amount up to one hundred fifty percent of the amount required in the
33 twelve-month period following the due date for the payment of such surcharge for

34 the payment of the principal, interest, and administrative expenses related to
35 such credit instruments, or in the case of financial agreements for the payment
36 of principal, interest, and administrative expenses related to such financial
37 agreements, or in the case of a combination of credit instruments and financial
38 agreements for the payment of principal, interest, and administrative expenses
39 for both. The total annual surcharge to be collected shall be calculated by the
40 division as a percentage of the total statewide contributions collected during the
41 previous calendar year. Each employer's proportionate share shall be the product
42 obtained by multiplying the percentage calculated under this subsection by each
43 employer's contributions due under this chapter for each filing period during the
44 preceding calendar year. Each employer shall be notified by the division of the
45 amount due under this section by April thirtieth of each year and such amount
46 shall be considered delinquent thirty days thereafter. **Any moneys**
47 **overcollected in excess of the actual administrative, interest, and**
48 **principal repayments costs for the credit instruments or financial**
49 **agreements used shall be deposited into the state unemployment**
50 **insurance trust fund and credited to the employer's expense account.**

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE
IN SUBDIVISION (4) OF SUBSECTION 6:

301.562. 1. The department may refuse to issue or renew any license
2 required pursuant to sections 301.550 to 301.580 for any one or any combination
3 of causes stated in subsection 2 of this section. The department shall notify the
4 applicant or licensee in writing at his or her last known address of the reasons
5 for the refusal to issue or renew the license and shall advise the applicant or
6 licensee of his or her right to file a complaint with the administrative hearing
7 commission as provided by chapter 621.

8 2. The department may cause a complaint to be filed with the
9 administrative hearing commission as provided by chapter 621 against any holder
10 of any license issued under sections 301.550 to 301.580 for any one or any
11 combination of the following causes:

12 (1) The applicant or license holder was previously the holder of a license
13 issued under sections 301.550 to 301.580, which license was revoked for cause
14 and never reissued by the department, or which license was suspended for cause
15 and the terms of suspension have not been fulfilled;

16 (2) The applicant or license holder was previously a partner, stockholder,
17 director or officer controlling or managing a partnership or corporation whose

18 license issued under sections 301.550 to 301.580 was revoked for cause and never
19 reissued or was suspended for cause and the terms of suspension have not been
20 fulfilled;

21 (3) The applicant or license holder has, within ten years prior to the date
22 of the application, been finally adjudicated and found guilty, or entered a plea of
23 guilty or nolo contendere, in a prosecution under the laws of any state or of the
24 United States, for any offense reasonably related to the qualifications, functions,
25 or duties of any business licensed under sections 301.550 to 301.580; for any
26 offense, an essential element of which is fraud, dishonesty, or an act of violence;
27 or for any offense involving moral turpitude, whether or not sentence is imposed;

28 (4) Use of fraud, deception, misrepresentation, or bribery in securing any
29 license issued pursuant to sections 301.550 to 301.580;

30 (5) Obtaining or attempting to obtain any money, commission, fee, barter,
31 exchange, or other compensation by fraud, deception, or misrepresentation;

32 (6) Violation of, or assisting or enabling any person to violate any
33 provisions of this chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or
34 of any lawful rule or regulation adopted pursuant to this chapter and chapters
35 143, 144, 306, 307, 407, 578, and 643;

36 (7) The applicant or license holder has filed an application for a license
37 which, as of its effective date, was incomplete in any material respect or
38 contained any statement which was, in light of the circumstances under which it
39 was made, false or misleading with respect to any material fact;

40 (8) The applicant or license holder has failed to pay the proper application
41 or license fee or other fees required pursuant to this chapter or chapter 306 or
42 fails to establish or maintain a bona fide place of business;

43 (9) Uses or permits the use of any special license or license plate assigned
44 to the license holder for any purpose other than those permitted by law;

45 (10) The applicant or license holder is finally adjudged insane or
46 incompetent by a court of competent jurisdiction;

47 (11) Use of any advertisement or solicitation which is false;

48 (12) Violations of sections 407.511 to 407.556, section 578.120, which
49 resulted in a conviction or finding of guilt or violation of any federal motor vehicle
50 laws which result in a conviction or finding of guilt.

51 3. Any such complaint shall be filed within one year of the date upon
52 which the department receives notice of an alleged violation of an applicable
53 statute or regulation. After the filing of such complaint, the proceedings shall,

54 except for the matters set forth in subsection 5 of this section, be conducted in
55 accordance with the provisions of chapter 621. Upon a finding by the
56 administrative hearing commission that the grounds, provided in subsection 2 of
57 this section, for disciplinary action are met, the department may, singly or in
58 combination, refuse to issue the person a license, issue a license for a period of
59 less than two years, issue a private reprimand, place the person on probation on
60 such terms and conditions as the department deems appropriate for a period of
61 one day to five years, suspend the person's license from one day to six days, or
62 revoke the person's license for such period as the department deems
63 appropriate. The applicant or licensee shall have the right to appeal the decision
64 of the administrative hearing commission and department in the manner
65 provided in chapter 536.

66 4. Upon the suspension or revocation of any person's license issued under
67 sections 301.550 to 301.580, the department shall recall any distinctive number
68 plates that were issued to that licensee. If any licensee who has been suspended
69 or revoked shall neglect or refuse to surrender his or her license or distinctive
70 number license plates issued under sections 301.550 to 301.580, the director shall
71 direct any agent or employee of the department or any law enforcement officer,
72 to secure possession thereof and return such items to the director. For purposes
73 of this subsection, a "law enforcement officer" means any member of the highway
74 patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter
75 590 acting in his or her official capacity. Failure of the licensee to surrender his
76 or her license or distinctive number license plates upon demand by the director,
77 any agent or employee of the department, or any law enforcement officer shall be
78 a class A misdemeanor.

79 5. Notwithstanding the foregoing provisions of this section, the following
80 events or acts by the holder of any license issued under sections 301.550 to
81 301.580 are deemed to present a clear and present danger to the public welfare
82 and shall be considered cause for suspension or revocation of such license under
83 the procedure set forth in subsection 6 of this section, at the discretion of the
84 director:

85 (1) The expiration or revocation of any corporate surety bond or
86 irrevocable letter of credit, as required by section 301.560, without submission of
87 a replacement bond or letter of credit which provides coverage for the entire
88 period of licensure;

89 (2) The failure to maintain a bona fide established place of business as

90 required by section 301.560;

91 (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of
92 this section; or

93 (4) Three or more occurrences of violations which have been established
94 following proceedings before the administrative hearing commission under
95 subsection 3 of this section, or which have been established following proceedings
96 before the director under subsection 6 of this section, of this chapter and chapters
97 143, 144, 306, 307, 578, and 643 or of any lawful rule or regulation adopted under
98 this chapter and chapters 143, 144, 306, 307, 578, and 643, not previously set
99 forth herein.

100 6. (1) Any license issued under sections 301.550 to 301.580 shall be
101 suspended or revoked, following an evidentiary hearing before the director or his
102 or her designated hearing officer, if affidavits or sworn testimony by an
103 authorized agent of the department alleges the occurrence of any of the events or
104 acts described in subsection 5 of this section.

105 (2) For any license which the department believes may be subject to
106 suspension or revocation under this subsection, the director shall immediately
107 issue a notice of hearing to the licensee of record. The director's notice of
108 hearing:

109 (a) Shall be served upon the licensee personally or by first class mail to
110 the dealer's last known address, as registered with the director;

111 (b) Shall be based on affidavits or sworn testimony presented to the
112 director, and shall notify the licensee that such information presented therein
113 constitutes cause to suspend or revoke the licensee's license;

114 (c) Shall provide the licensee with a minimum of ten days' notice prior to
115 hearing;

116 (d) Shall specify the events or acts which may provide cause for
117 suspension or revocation of the license, and shall include with the notice a copy
118 of all affidavits, sworn testimony or other information presented to the director
119 which support discipline of the license; and

120 (e) Shall inform the licensee that he or she has the right to attend the
121 hearing and present any evidence in his or her defense, including evidence to
122 show that the event or act which may result in suspension or revocation has been
123 corrected to the director's satisfaction, and that he or she may be represented by
124 counsel at the hearing.

125 (3) At any hearing before the director conducted under this subsection, the

126 director or his or her designated hearing officer shall consider all evidence
127 relevant to the issue of whether the license should be suspended or revoked due
128 to the occurrence of any of the acts set forth in subsection 5 herein. Within
129 twenty business days after such hearing, the director or his or her designated
130 hearing officer shall issue a written order, with findings of fact and conclusions
131 of law, which either grants or denies the issuance of an order of suspension or
132 revocation. The suspension or revocation shall be effective ten days after the date
133 of the order. The written order of the director or his or her hearing officer shall
134 be the final decision of the director and shall be subject to judicial review under
135 the provisions of chapter 536.

136 (4) Notwithstanding the provisions of this chapter or chapter 610 or 621
137 to the contrary, the proceedings under this [section] **subsection** shall be closed
138 and no order shall be made public until it is final, for purposes of appeal.

139 7. In lieu of acting under subsection 2 or 6 of this section, the department
140 of revenue may enter into an agreement with the holder of the license to ensure
141 future compliance with sections 301.210, 301.213, 307.380, sections 301.217 to
142 301.229, and sections 301.550 to 301.580. Such agreement may include an
143 assessment fee not to exceed five hundred dollars per violation or five thousand
144 dollars in the aggregate unless otherwise permitted by law, probation terms and
145 conditions, and other requirements as may be deemed appropriate by the
146 department of revenue and the holder of the license. Any fees collected by the
147 department of revenue under this subsection shall be deposited into the motor
148 vehicle commission fund created in section 301.560.

EXPLANATION: CHANGES THE LANGUAGE IN PARAGRAPH (a) OF
SUBDIVISION (10) OF SUBSECTION 2 TO COMPLY WITH FEDERAL LAW:

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and
4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one
8 hundred milliliters of blood or the number of grams of alcohol per two hundred
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters
10 of urine;

11 (3) "CDL driver", a person holding or required to hold a commercial

12 driver's license (CDL);

13 (4) "CDLIS driver record", the electronic record of the individual
14 commercial driver's status and history stored by the state of record as part of the
15 Commercial Driver's License Information System (CDLIS) established under 49
16 U.S.C. Section 31309, et seq.;

17 (5) "CDLIS motor vehicle record (CDLIS MVR)", a report generated from
18 the CDLIS driver record which meets the requirements for access to CDLIS
19 information and is provided by states to users authorized in 49 CFR 384, subject
20 to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to
21 2725, et seq.;

22 (6) "Commercial driver's instruction permit", a commercial learner's
23 permit issued to an individual by a state or other jurisdiction of domicile in
24 accordance with the standards contained in 49 CFR 383, which, when carried
25 with a valid driver's license issued by the same state or jurisdiction, authorizes
26 the individual to operate a class of commercial motor vehicle when accompanied
27 by a holder of a valid commercial driver's license for purposes of behind-the-wheel
28 training. When issued to a commercial driver's license holder, a commercial
29 learner's permit serves as authorization for accompanied behind-the-wheel
30 training in a commercial motor vehicle for which the holder's current commercial
31 driver's license is not valid;

32 (7) "Commercial driver's license (CDL)", a license issued by this state or
33 other jurisdiction of domicile in accordance with 49 CFR 383 which authorizes the
34 individual to operate a class of commercial motor vehicle;

35 (8) "Commercial driver's license downgrade", occurs when:

36 (a) A driver changes the self-certification to interstate, but operates
37 exclusively in transportation or operation excepted from 49 CFR 391, as provided
38 in 49 CFR 390.3(f), 391.2, 391.68, or 398.3;

39 (b) A driver changes the self-certification to intrastate only, if the driver
40 qualifies under the state's physical qualification requirements for intrastate only;

41 (c) A driver changes the self-certification to intrastate, but operating
42 exclusively in transportation or operations excepted from all or part of the state
43 driver qualification requirements; or

44 (d) The state removes the commercial driver's license privilege from the
45 driver's license;

46 (9) "Commercial driver's license information system (CDLIS)", the
47 information system established pursuant to the Commercial Motor Vehicle Safety

48 Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating
49 information related to the licensing and identification of commercial motor vehicle
50 drivers;

51 (10) "Commercial motor vehicle", a motor vehicle or combination of motor
52 vehicles used in commerce to transport passengers or property:

53 (a) If the vehicle has a gross combination weight rating or gross
54 combination weight of twenty-six thousand one or more pounds, **whichever is**
55 **greater**, inclusive of a towed unit which has a gross vehicle weight rating or
56 gross vehicle weight of more than ten thousand [one] pounds [or more],
57 whichever is greater;

58 (b) If the vehicle has a gross vehicle weight rating or gross vehicle weight
59 of twenty-six thousand one or more pounds, whichever is greater;

60 (c) If the vehicle is designed to transport sixteen or more passengers,
61 including the driver; or

62 (d) If the vehicle is transporting hazardous materials and is required to
63 be placarded under the Hazardous Materials Transportation Act (46 U.S.C.
64 Section 1801, et seq.);

65 (11) "Controlled substance", any substance so classified under Section
66 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)), and includes
67 all substances listed in Schedules I through V of 21 CFR 1308, as they may be
68 revised from time to time;

69 (12) "Conviction", an unvacated adjudication of guilt, including pleas of
70 guilt and nolo contendere, or a determination that a person has violated or failed
71 to comply with the law in a court of original jurisdiction or an authorized
72 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
73 to secure the person's appearance in court, the payment of a fine or court cost, or
74 violation of a condition of release without bail, regardless of whether the penalty
75 is rebated, suspended or prorated, including an offense for failure to appear or
76 pay;

77 (13) "Director", the director of revenue or his authorized representative;

78 (14) "Disqualification", any of the following three actions:

79 (a) The suspension, revocation, or cancellation of a commercial driver's
80 license or commercial driver's instruction permit;

81 (b) Any withdrawal of a person's privileges to drive a commercial motor
82 vehicle by a state, Canada, or Mexico as the result of a violation of federal, state,
83 county, municipal, or local law relating to motor vehicle traffic control or

84 violations committed through the operation of motor vehicles, other than parking,
85 vehicle weight, or vehicle defect violations;

86 (c) A determination by the Federal Motor Carrier Safety Administration
87 that a person is not qualified to operate a commercial motor vehicle under 49
88 CFR 383.52 or 391;

89 (15) "Drive", to drive, operate or be in physical control of a commercial
90 motor vehicle;

91 (16) "Driver", any person who drives, operates, or is in physical control of
92 a motor vehicle, or who is required to hold a commercial driver's license;

93 (17) "Driver applicant", an individual who applies to obtain, transfer,
94 upgrade, or renew a commercial driver's license or commercial driver's instruction
95 permit in this state;

96 (18) "Driving under the influence of alcohol", the commission of any one
97 or more of the following acts:

98 (a) Driving a commercial motor vehicle with the alcohol concentration of
99 four one-hundredths of a percent or more as prescribed by the Secretary or such
100 other alcohol concentration as may be later determined by the Secretary by
101 regulation;

102 (b) Driving a commercial or noncommercial motor vehicle while
103 intoxicated in violation of any federal or state law, or in violation of a county or
104 municipal ordinance;

105 (c) Driving a commercial or noncommercial motor vehicle with excessive
106 blood alcohol content in violation of any federal or state law, or in violation of a
107 county or municipal ordinance;

108 (d) Refusing to submit to a chemical test in violation of section 302.574,
109 section 302.750, any federal or state law, or a county or municipal ordinance; or

110 (e) Having any state, county or municipal alcohol-related enforcement
111 contact, as defined in subsection 3 of section 302.525; provided that any
112 suspension or revocation pursuant to section 302.505, committed in a
113 noncommercial motor vehicle by an individual twenty-one years of age or older
114 shall have been committed by the person with an alcohol concentration of at least
115 eight-hundredths of one percent or more, or in the case of an individual who is
116 less than twenty-one years of age, shall have been committed by the person with
117 an alcohol concentration of at least two-hundredths of one percent or more, and
118 if committed in a commercial motor vehicle, a concentration of four-hundredths
119 of one percent or more;

120 (19) "Driving under the influence of a controlled substance", the
121 commission of any one or more of the following acts in a commercial or
122 noncommercial motor vehicle:

123 (a) Driving a commercial or noncommercial motor vehicle while under the
124 influence of any substance so classified under Section 102(6) of the Controlled
125 Substances Act (21 U.S.C. Section 802(6)), including any substance listed in
126 Schedules I through V of 21 CFR 1308, as they may be revised from time to time;

127 (b) Driving a commercial or noncommercial motor vehicle while in a
128 drugged condition in violation of any federal or state law or in violation of a
129 county or municipal ordinance; or

130 (c) Refusing to submit to a chemical test in violation of section 302.574,
131 section 302.750, any federal or state law, or a county or municipal ordinance;

132 (20) "Electronic device", includes but is not limited to a cellular telephone,
133 personal digital assistant, pager, computer, or any other device used to input,
134 write, send, receive, or read text;

135 (21) "Employer", any person, including the United States, a state, or a
136 political subdivision of a state, who owns or leases a commercial motor vehicle or
137 assigns a driver to operate such a vehicle;

138 (22) "Endorsement", an authorization on an individual's commercial
139 driver's license or commercial learner's permit required to permit the individual
140 to operate certain types of commercial motor vehicles;

141 (23) "Farm vehicle", a commercial motor vehicle controlled and operated
142 by a farmer used exclusively for the transportation of agricultural products, farm
143 machinery, farm supplies, or a combination of these, within one hundred fifty
144 miles of the farm, other than one which requires placarding for hazardous
145 materials as defined in this section, or used in the operation of a common or
146 contract motor carrier, except that a farm vehicle shall not be a commercial motor
147 vehicle when the total combined gross weight rating does not exceed twenty-six
148 thousand one pounds when transporting fertilizers as defined in subdivision (29)
149 of this subsection;

150 (24) "Fatality", the death of a person as a result of a motor vehicle
151 accident;

152 (25) "Felony", any offense under state or federal law that is punishable by
153 death or imprisonment for a term exceeding one year;

154 (26) "Foreign", outside the fifty states of the United States and the
155 District of Columbia;

156 (27) "Gross combination weight rating" or "GCWR", the value specified by
157 the manufacturer as the loaded weight of a combination (articulated) vehicle. In
158 the absence of a value specified by the manufacturer, GCWR will be determined
159 by adding the GVWR of the power unit and the total weight of the towed unit and
160 any load thereon;

161 (28) "Gross vehicle weight rating" or "GVWR", the value specified by the
162 manufacturer as the loaded weight of a single vehicle;

163 (29) "Hazardous materials", any material that has been designated as
164 hazardous under 49 U.S.C. Section 5103 and is required to be placarded under
165 subpart F of CFR 172 or any quantity of a material listed as a select agent or
166 toxin in 42 CFR 73. Fertilizers, including but not limited to ammonium nitrate,
167 phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel,
168 shall not be considered hazardous materials when transported by a farm vehicle
169 provided all other provisions of this definition are followed;

170 (30) "Imminent hazard", the existence of a condition that presents a
171 substantial likelihood that death, serious illness, severe personal injury, or a
172 substantial endangerment to health, property, or the environment may occur
173 before the reasonably foreseeable completion date of a formal proceeding begins
174 to lessen the risk of that death, illness, injury, or endangerment;

175 (31) "Issuance", the initial licensure, license transfers, license renewals,
176 and license upgrades;

177 (32) "Manual transmission" (also known as a stick shift, stick, straight
178 drive or standard transmission), a transmission utilizing a driver-operated clutch
179 that is activated by a pedal or lever and a gear-shift mechanism operated either
180 by hand or foot. All other transmissions, whether semiautomatic or automatic,
181 will be considered automatic for the purposes of the standardized restriction code;

182 (33) "Medical examiner", a person who is licensed, certified, or registered,
183 in accordance with applicable state laws and regulations, to perform physical
184 examinations. The term includes, but is not limited to, doctors of medicine,
185 doctors of osteopathy, physician assistants, advanced practice nurses, and doctors
186 of chiropractic;

187 (34) "Medical variance", when a driver has received one of the following
188 that allows the driver to be issued a medical certificate:

189 (a) An exemption letter permitting operation of a commercial motor
190 vehicle under 49 CFR 381, Subpart C or 49 CFR 391.64;

191 (b) A skill performance evaluation certificate permitting operation of a

192 commercial motor vehicle under 49 CFR 391.49;

193 (35) "Mobile telephone", a mobile communication device that is classified
194 as or uses any commercial mobile radio service, as defined in the regulations of
195 the Federal Communications Commission, 47 CFR 20.3, but does not include
196 two-way or citizens band radio services;

197 (36) "Motor vehicle", any self-propelled vehicle not operated exclusively
198 upon tracks;

199 (37) "Noncommercial motor vehicle", a motor vehicle or combination of
200 motor vehicles not defined by the term commercial motor vehicle in this section;

201 (38) "Out of service", a temporary prohibition against the operation of a
202 commercial motor vehicle by a particular driver, or the operation of a particular
203 commercial motor vehicle, or the operation of a particular motor carrier;

204 (39) "Out-of-service order", a declaration by an authorized enforcement
205 officer of a federal, state, Canadian, Mexican or any local jurisdiction, that a
206 driver, or a commercial motor vehicle, or a motor carrier operation, is out of
207 service under 49 CFR 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws,
208 or the North American Standard Out-of-Service Criteria;

209 (40) "School bus", a commercial motor vehicle used to transport
210 preprimary, primary, or secondary school students from home to school, from
211 school to home, or to and from school-sponsored events. School bus does not
212 include a bus used as a common carrier as defined by the Secretary;

213 (41) "Secretary", the Secretary of Transportation of the United States;

214 (42) "Serious traffic violation", driving a commercial motor vehicle in such
215 a manner that the driver receives a conviction for the following offenses or driving
216 a noncommercial motor vehicle when the driver receives a conviction for the
217 following offenses and the conviction results in the suspension or revocation of
218 the driver's license or noncommercial motor vehicle driving privilege:

219 (a) Excessive speeding, as defined by the Secretary by regulation;

220 (b) Careless, reckless or imprudent driving which includes, but shall not
221 be limited to, any violation of section 304.016, any violation of section 304.010,
222 or any other violation of federal or state law, or any county or municipal
223 ordinance while driving a commercial motor vehicle in a willful or wanton
224 disregard for the safety of persons or property, or improper or erratic traffic lane
225 changes, or following the vehicle ahead too closely, but shall not include careless
226 and imprudent driving by excessive speed;

227 (c) A violation of any federal or state law or county or municipal ordinance

228 regulating the operation of motor vehicles arising out of an accident or collision
229 which resulted in death to any person, other than a parking violation;

230 (d) Driving a commercial motor vehicle without obtaining a commercial
231 driver's license in violation of any federal or state or county or municipal
232 ordinance;

233 (e) Driving a commercial motor vehicle without a commercial driver's
234 license in the driver's possession in violation of any federal or state or county or
235 municipal ordinance. Any individual who provides proof to the court which has
236 jurisdiction over the issued citation that the individual held a valid commercial
237 driver's license on the date that the citation was issued shall not be guilty of this
238 offense;

239 (f) Driving a commercial motor vehicle without the proper commercial
240 driver's license class or endorsement for the specific vehicle group being operated
241 or for the passengers or type of cargo being transported in violation of any federal
242 or state law or county or municipal ordinance;

243 (g) Violating a state or local law or ordinance on motor vehicle traffic
244 control prohibiting texting while driving a commercial motor vehicle;

245 (h) Violating a state or local law or ordinance on motor vehicle traffic
246 control restricting or prohibiting the use of a hand-held mobile telephone while
247 driving a commercial motor vehicle; or

248 (i) Any other violation of a federal or state law or county or municipal
249 ordinance regulating the operation of motor vehicles, other than a parking
250 violation, as prescribed by the Secretary by regulation;

251 (43) "State", a state of the United States, including the District of
252 Columbia;

253 (44) "Tank vehicle", any commercial motor vehicle that is designed to
254 transport any liquid or gaseous materials within a tank or tanks having an
255 individual rated capacity of more than one hundred nineteen gallons and an
256 aggregate rated capacity of one thousand gallons or more that is either
257 permanently or temporarily attached to the vehicle or the chassis. A commercial
258 motor vehicle transporting an empty storage container tank, not designed for
259 transportation, with a rated capacity of one thousand gallons or more, that is
260 temporarily attached to a flatbed trailer is not considered a tank vehicle;

261 (45) "Texting", manually entering alphanumeric text into, or reading text
262 from, an electronic device. This action includes but is not limited to short
263 message service, emailing, instant messaging, commanding or requesting access

264 to a website, pressing more than a single button to initiate or terminate a voice
265 communication using a mobile telephone, or engaging in any other form of
266 electronic text retrieval or entry, for present or future communication. Texting
267 does not include:

268 (a) Inputting, selecting, or reading information on a global positioning
269 system or navigation system;

270 (b) Pressing a single button to initiate or terminate a voice communication
271 using a mobile telephone; or

272 (c) Using a device capable of performing multiple functions (e.g., fleet
273 management systems, dispatching devices, smart phones, citizens band radios,
274 music players) for a purpose that is not otherwise prohibited in this part;

275 (46) "United States", the fifty states and the District of Columbia.

EXPLANATION: THIS SECTION CONTAINS INACCURATE
INTERSECTIONAL REFERENCES:

324.028. Any member authorized under the provisions of sections 256.459,
2 324.063, 324.177, 324.203, 324.243, 324.406, 324.478, 326.259, 327.031, [328.030,
3 329.190,] **329.015**, 330.110, 331.090, 332.021, 333.151, 334.120, 334.430, 334.625,
4 334.717, [334.736,] **334.749**, 334.830, 335.021, 336.130, 337.050, **337.305**,
5 **337.535**, **337.622**, **337.739**, 338.110, 339.120, [340.210,] **340.202**, 345.080, and
6 346.120 who misses three consecutive regularly scheduled meetings of the board
7 or council on which he serves shall forfeit his membership on that board or
8 council. A new member shall be appointed to the respective board or council by
9 the governor with the advice and consent of the senate.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE IN SUBDIVISION (7):

324.159. The board shall:

2 (1) Adopt and publish a code of ethics;

3 (2) Establish the qualifications and fitness of applicants of licenses,
4 renewal of licenses and reciprocal licenses;

5 (3) Revoke, suspend or deny a license, suspend a license or reprimand a
6 license holder for a violation of sections 324.125 to 324.183, the code of ethics or
7 the rules adopted by the board;

8 (4) Provide for the expenditure of funds necessary for the proper
9 administration of its assigned duties;

10 (5) Establish reasonable and necessary fees for the administration and
11 implementation of sections 324.125 to 324.183. Fees shall be established at a

12 rate that does not significantly exceed the cost of administering the provisions of
13 sections 324.125 to 324.183;

14 (6) Establish continuing professional education requirements for licensed
15 clinical perfusionists and provisional licensed clinical perfusionists, the standards
16 of which shall be at least as stringent as those of the American Board of
17 Cardiovascular Perfusion or its successor agency;

18 (7) Within the limits of its appropriation, employ and remove board
19 personnel, as defined in subdivision (4) of subsection [10] 11 of section 324.001
20 as may be necessary for the efficient operation of the board;

21 (8) Adopt the training and clinical competency requirements established
22 by the department of health and senior services through hospital licensing
23 regulations promulgated pursuant to chapter 197. The provisions of sections
24 324.125 to 324.183 to the contrary notwithstanding, the board shall not regulate
25 a perfusionist's training, education or fitness to practice except as specifically
26 provided by the hospital licensing regulations of the department of health and
27 senior services. In promulgating such regulations, the department of health and
28 senior services shall adopt the standards of the American Board of
29 Cardiovascular Perfusion, or its successor organization, or comparable standards
30 for training and experience. The department shall by rule and regulation provide
31 that individuals providing perfusion services who do meet such standards may
32 continue their employment in accordance with section 324.130. The department
33 shall also establish standards for provisional licensed clinical perfusionists
34 pursuant to section 324.147.

EXPLANATION: THIS SECTION CHANGES THE LANGUAGE IN
SUBSECTION 4 FOR CONSISTENCY WITH SECTION 304.028:

324.406. 1. There is hereby created within the division of professional
2 registration a council to be known as the "Interior Design Council". The council
3 shall consist of four interior designers and one public member appointed by the
4 governor with the advice and consent of the senate. The governor shall give due
5 consideration to the recommendations by state organizations of the interior
6 design profession for the appointment of the interior design members to the
7 council. Council members shall be appointed to serve a term of four years; except
8 that of the members first appointed, one interior design member and the public
9 member shall be appointed for terms of four years, one member shall be
10 appointed for a term of three years, one member shall be appointed for a term of
11 two years and one member shall be appointed for a term of one year. No member

12 of the council shall serve more than two terms.

13 2. Each council member, other than the public member, shall be a citizen
14 of the United States, a resident of the state of Missouri for at least one year, meet
15 the qualifications for professional registration, practice interior design as the
16 person's principal livelihood and, except for the first members appointed, be
17 registered pursuant to sections 324.400 to 324.439 as an interior designer.

18 3. The public member shall be, at the time of such person's appointment,
19 a citizen of the United States, a registered voter, a person who is not and never
20 was a member of the profession regulated by sections 324.400 to 324.439 or the
21 spouse of such a person and a person who does not have and never has had a
22 material financial interest in the providing of the professional services regulated
23 by sections 324.400 to 324.439. The duties of the public member shall not include
24 the determination of the technical requirements for the registration of persons as
25 interior designers.

26 4. The provisions of section 324.028 pertaining to [public] members of
27 certain state boards and commissions shall apply to [the public member] **all**
28 **members** of the council.

29 [4.] 5. Members of the council may be removed from office for
30 cause. Upon the death, resignation or removal from office of any member of the
31 council, the appointment to fill the vacancy shall be for the unexpired portion of
32 the term so vacated and shall be filled in the same manner as the first
33 appointment and due notice be given to the state organizations of the interior
34 design profession prior to the appointment.

35 [5.] 6. Each member of the council may receive as compensation an
36 amount set by the division not to exceed fifty dollars per day and shall be
37 reimbursed for the member's reasonable and necessary expenses incurred in the
38 official performance of the member's duties as a member of the council. The
39 director shall establish by rule guidelines for payment.

40 [6.] 7. The council shall meet at least twice each year and advise the
41 division on matters within the scope of sections 324.400 to 324.439. The
42 organization of the council shall be established by the members of the council.

43 [7.] 8. The council may sue and be sued as the interior design council and
44 the council members need not be named as parties. Members of the council shall
45 not be personally liable either jointly or severally for any act committed in the
46 performance of their official duties as council members. No council member shall
47 be personally liable for any costs which accrue in any action by or against the

48 council.

EXPLANATION: THE TWO LISTS OF PROFESSIONALS IN SUBSECTION 1
ARE INCONSISTENT; ADDITIONAL LANGUAGE IS ADDED TO THE SECOND
LIST TO MAKE IT CONSISTENT:

327.451. 1. Any person who believes that an architect or a professional
2 engineer or a professional land surveyor or a professional landscape architect has
3 acted or failed to act so that his or her license or certificate of authority should,
4 pursuant to the provisions of this chapter, be suspended or revoked, or who
5 believes that any applicant for a license or certificate of authority pursuant to the
6 provisions of this chapter is not entitled to a license or a certificate of authority,
7 may file a written affidavit with the executive director of the board which the
8 affiant shall sign and swear to and in which the affiant shall clearly set forth the
9 reasons for the affiant's charge or charges that the license or certificate of an
10 architect or professional engineer or professional land surveyor **or professional**
11 **landscape architect** should be suspended or revoked or not renewed or that a
12 license or certificate should not be issued to an applicant.

13 2. If the affidavit so filed does not contain statements of fact which if true
14 would authorize, pursuant to the provisions of this chapter, suspension or
15 revocation of the accused's license or certificate, or does not contain statements
16 of fact which if true would authorize, pursuant to the provisions of this chapter,
17 the refusal of the renewal of an existing license or certificate or the refusal of a
18 license or certificate to an applicant, the board shall either dismiss the charge or
19 charges or, within its discretion, cause an investigation to be made of the charges
20 contained in the affidavit, after which investigation the board shall either dismiss
21 the charge or charges or proceed against the accused by written complaint as
22 provided in subsection 3 of this section.

23 3. If the affidavit contains statements of fact which if true would
24 authorize pursuant to the provisions of this chapter the revocation or suspension
25 of an accused's license or certificate, the board shall cause an investigation to be
26 made of the charge or charges contained in the affidavit and unless the
27 investigation discloses the falsity of the facts upon which the charge or charges
28 in the affidavit are based, the board shall file with and in the administrative
29 hearing commission a written complaint against the accused setting forth the
30 cause or causes for which the accused's license or certificate of authority should
31 be suspended or revoked. Thereafter, the board shall be governed by and shall
32 proceed in accordance with the provisions of chapter 621.

33 4. If the charges contained in the affidavit filed with the board would
34 constitute a cause or causes for which pursuant to the provisions of this chapter
35 an accused's license or certificate of authority should not be renewed or a cause
36 or causes for which pursuant to the provisions of this chapter a certificate should
37 not be issued, the board shall cause an investigation to be made of the charge or
38 charges and unless the investigation discloses the falsity of the facts upon which
39 the charge or charges contained in the affidavit are based, the board shall refuse
40 to permit an applicant to be examined upon the applicant's qualifications for
41 licensure or shall refuse to issue or renew a license or certificate of authority, as
42 the case may require.

43 5. The provisions of this section shall not be so construed as to prevent
44 the board on its own initiative from instituting and conducting investigations and
45 based thereon to make written complaints in and to the administrative hearing
46 commission.

47 6. If for any reason the provisions of chapter 621 become inapplicable to
48 the board, then, and in that event, the board shall proceed to charge, adjudicate
49 and otherwise act in accordance with the provisions of chapter 536.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE IN SUBDIVISION (5) OF SUBSECTION 1:

329.025. 1. The board shall have power to:

2 (1) Prescribe by rule for the examination of applicants for licensure to
3 practice the classified occupations of barbering and cosmetology and issue
4 licenses;

5 (2) Prescribe by rule for the inspection of barber and cosmetology
6 establishments and schools and appoint the necessary inspectors and examining
7 assistants;

8 (3) Prescribe by rule for the inspection of establishments and schools of
9 barbering and cosmetology as to their sanitary conditions and to appoint the
10 necessary inspectors and, if necessary, examining assistants;

11 (4) Set the amount of the fees that this chapter and chapter 328, authorize
12 and require, by rules promulgated under section 536.021. The fees shall be set
13 at a level sufficient to produce revenue that shall not substantially exceed the
14 cost and expense of administering this chapter and chapter 328;

15 (5) Employ and remove board personnel, as set forth in subdivision (4) of
16 subsection [10] 11 of section 324.001, including an executive secretary or
17 comparable position, inspectors, investigators, legal counsel and secretarial

18 support staff, as may be necessary for the efficient operation of the board, within
19 the limitations of its appropriation;

20 (6) Elect one of its members president, one vice president, and one
21 secretary with the limitation that no single profession can hold the positions of
22 president and vice president at the same time;

23 (7) Promulgate rules necessary to carry out the duties and responsibilities
24 designated by this chapter and chapter 328;

25 (8) Determine the sufficiency of the qualifications of applicants; and

26 (9) Prescribe by rule the minimum standards and methods of
27 accountability for the schools of barbering and cosmetology licensed under this
28 chapter and chapter 328.

29 2. The board shall create no expense exceeding the sum received from
30 time to time from fees imposed under this chapter and chapter 328.

31 3. A majority of the board, with at least one representative of each
32 profession being present, shall constitute a quorum for the transaction of
33 business.

34 4. The board shall meet not less than six times annually.

35 5. Any rule or portion of a rule, as that term is defined in section 536.010,
36 that is created under the authority delegated in this chapter and chapter 328
37 shall become effective only if it complies with and is subject to all of the
38 provisions of chapter 536 and, if applicable, section 536.028. This section and
39 chapter 536 are nonseverable and if any of the powers vested with the general
40 assembly under chapter 536 to review, to delay the effective date or to disapprove
41 and annul a rule are subsequently held unconstitutional, then the grant of
42 rulemaking authority and any rule proposed or adopted after August 28, 2001,
43 shall be invalid and void.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE:

330.190. The board shall investigate all complaints of violations of the
2 provisions of this chapter as provided in section 324.002 and shall report any
3 such violations to the proper prosecuting officers or other public officials charged
4 with the enforcement of the provisions of this chapter. The board may employ
5 such board personnel, as defined in subdivision (4) of subsection [10] 11 of section
6 324.001, as it deems necessary within appropriations therefor.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE IN SUBSECTION 3:

332.041. 1. The board shall meet at least twice a year at such times and
2 places in the state of Missouri as may be fixed by the board. The board shall
3 elect from its membership a president, a vice president, and a secretary-treasurer,
4 each of whom shall be elected at the times and serve for the terms as are
5 determined by the board, and each of whose duties shall be prescribed by the
6 board.

7 2. The board shall keep records of its official acts, and certified copies of
8 any such records attested by a designee of the board with the board's seal affixed
9 shall be received as evidence in all courts to the same extent as the board's
10 original records would be received.

11 3. Each member of the board shall receive as compensation an amount set
12 by the board not to exceed fifty dollars for each day devoted to the affairs of the
13 board, and shall be entitled to reimbursement of his expenses necessarily
14 incurred in the discharge of his official duties. The board may employ and pay
15 legal counsel and such board personnel, as defined in subdivision (4) of subsection
16 [10] 11 of section 324.001, as it deems necessary within appropriations therefor.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE
IN SUBDIVISION (18) OF SUBSECTION 2:

334.100. 1. The board may refuse to issue or renew any certificate of
2 registration or authority, permit or license required pursuant to this chapter for
3 one or any combination of causes stated in subsection 2 of this section. The board
4 shall notify the applicant in writing of the reasons for the refusal and shall advise
5 the applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided by chapter 621. As an alternative to a refusal
7 to issue or renew any certificate, registration or authority, the board may, at its
8 discretion, issue a license which is subject to probation, restriction or limitation
9 to an applicant for licensure for any one or any combination of causes stated in
10 subsection 2 of this section. The board's order of probation, limitation or
11 restriction shall contain a statement of the discipline imposed, the basis therefor,
12 the date such action shall become effective, and a statement that the applicant
13 has thirty days to request in writing a hearing before the administrative hearing
14 commission. If the board issues a probationary, limited or restricted license to
15 an applicant for licensure, either party may file a written petition with the
16 administrative hearing commission within thirty days of the effective date of the
17 probationary, limited or restricted license seeking review of the board's
18 determination. If no written request for a hearing is received by the

19 administrative hearing commission within the thirty-day period, the right to seek
20 review of the board's decision shall be considered as waived.

21 2. The board may cause a complaint to be filed with the administrative
22 hearing commission as provided by chapter 621 against any holder of any
23 certificate of registration or authority, permit or license required by this chapter
24 or any person who has failed to renew or has surrendered the person's certificate
25 of registration or authority, permit or license for any one or any combination of
26 the following causes:

27 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
28 beverage to an extent that such use impairs a person's ability to perform the work
29 of any profession licensed or regulated by this chapter;

30 (2) The person has been finally adjudicated and found guilty, or entered
31 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
32 any state or of the United States, for any offense reasonably related to the
33 qualifications, functions or duties of any profession licensed or regulated
34 pursuant to this chapter, for any offense involving fraud, dishonesty or an act of
35 violence, or for any offense involving moral turpitude, whether or not sentence is
36 imposed;

37 (3) Use of fraud, deception, misrepresentation or bribery in securing any
38 certificate of registration or authority, permit or license issued pursuant to this
39 chapter or in obtaining permission to take any examination given or required
40 pursuant to this chapter;

41 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct
42 or unprofessional conduct in the performance of the functions or duties of any
43 profession licensed or regulated by this chapter, including, but not limited to, the
44 following:

45 (a) Obtaining or attempting to obtain any fee, charge, tuition or other
46 compensation by fraud, deception or misrepresentation; willfully and continually
47 overcharging or overtreating patients; or charging for visits to the physician's
48 office which did not occur unless the services were contracted for in advance, or
49 for services which were not rendered or documented in the patient's records;

50 (b) Attempting, directly or indirectly, by way of intimidation, coercion or
51 deception, to obtain or retain a patient or discourage the use of a second opinion
52 or consultation;

53 (c) Willfully and continually performing inappropriate or unnecessary
54 treatment, diagnostic tests or medical or surgical services;

55 (d) Delegating professional responsibilities to a person who is not
56 qualified by training, skill, competency, age, experience or licensure to perform
57 such responsibilities;

58 (e) Misrepresenting that any disease, ailment or infirmity can be cured
59 by a method, procedure, treatment, medicine or device;

60 (f) Performing or prescribing medical services which have been declared
61 by board rule to be of no medical or osteopathic value;

62 (g) Final disciplinary action by any professional medical or osteopathic
63 association or society or licensed hospital or medical staff of such hospital in this
64 or any other state or territory, whether agreed to voluntarily or not, and
65 including, but not limited to, any removal, suspension, limitation, or restriction
66 of the person's license or staff or hospital privileges, failure to renew such
67 privileges or license for cause, or other final disciplinary action, if the action was
68 in any way related to unprofessional conduct, professional incompetence,
69 malpractice or any other violation of any provision of this chapter;

70 (h) Signing a blank prescription form; or dispensing, prescribing,
71 administering or otherwise distributing any drug, controlled substance or other
72 treatment without sufficient examination including failing to establish a valid
73 physician-patient relationship pursuant to section 334.108, or for other than
74 medically accepted therapeutic or experimental or investigative purposes duly
75 authorized by a state or federal agency, or not in the course of professional
76 practice, or not in good faith to relieve pain and suffering, or not to cure an
77 ailment, physical infirmity or disease, except as authorized in section 334.104;

78 (i) Exercising influence within a physician-patient relationship for
79 purposes of engaging a patient in sexual activity;

80 (j) Being listed on any state or federal sexual offender registry;

81 (k) Terminating the medical care of a patient without adequate notice or
82 without making other arrangements for the continued care of the patient;

83 (l) Failing to furnish details of a patient's medical records to other
84 treating physicians or hospitals upon proper request; or failing to comply with
85 any other law relating to medical records;

86 (m) Failure of any applicant or licensee to cooperate with the board during
87 any investigation;

88 (n) Failure to comply with any subpoena or subpoena duces tecum from
89 the board or an order of the board;

90 (o) Failure to timely pay license renewal fees specified in this chapter;

91 (p) Violating a probation agreement, order, or other settlement agreement
92 with this board or any other licensing agency;

93 (q) Failing to inform the board of the physician's current residence and
94 business address;

95 (r) Advertising by an applicant or licensee which is false or misleading,
96 or which violates any rule of the board, or which claims without substantiation
97 the positive cure of any disease, or professional superiority to or greater skill
98 than that possessed by any other physician. An applicant or licensee shall also
99 be in violation of this provision if the applicant or licensee has a financial interest
100 in any organization, corporation or association which issues or conducts such
101 advertising;

102 (s) Any other conduct that is unethical or unprofessional involving a
103 minor;

104 (5) Any conduct or practice which is or might be harmful or dangerous to
105 the mental or physical health of a patient or the public; or incompetency, gross
106 negligence or repeated negligence in the performance of the functions or duties
107 of any profession licensed or regulated by this chapter. For the purposes of this
108 subdivision, "repeated negligence" means the failure, on more than one occasion,
109 to use that degree of skill and learning ordinarily used under the same or similar
110 circumstances by the member of the applicant's or licensee's profession;

111 (6) Violation of, or attempting to violate, directly or indirectly, or assisting
112 or enabling any person to violate, any provision of this chapter or chapter 324, or
113 of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;

114 (7) Impersonation of any person holding a certificate of registration or
115 authority, permit or license or allowing any person to use his or her certificate of
116 registration or authority, permit, license or diploma from any school;

117 (8) Revocation, suspension, restriction, modification, limitation,
118 reprimand, warning, censure, probation or other final disciplinary action against
119 the holder of or applicant for a license or other right to practice any profession
120 regulated by this chapter by another state, territory, federal agency or country,
121 whether or not voluntarily agreed to by the licensee or applicant, including, but
122 not limited to, the denial of licensure, surrender of the license, allowing the
123 license to expire or lapse, or discontinuing or limiting the practice of medicine
124 while subject to an investigation or while actually under investigation by any
125 licensing authority, medical facility, branch of the Armed Forces of the United
126 States of America, insurance company, court, agency of the state or federal

127 government, or employer;

128 (9) A person is finally adjudged incapacitated or disabled by a court of
129 competent jurisdiction;

130 (10) Assisting or enabling any person to practice or offer to practice any
131 profession licensed or regulated by this chapter who is not registered and
132 currently eligible to practice pursuant to this chapter; or knowingly performing
133 any act which in any way aids, assists, procures, advises, or encourages any
134 person to practice medicine who is not registered and currently eligible to practice
135 pursuant to this chapter. A physician who works in accordance with standing
136 orders or protocols or in accordance with the provisions of section 334.104 shall
137 not be in violation of this subdivision;

138 (11) Issuance of a certificate of registration or authority, permit or license
139 based upon a material mistake of fact;

140 (12) Failure to display a valid certificate or license if so required by this
141 chapter or any rule promulgated pursuant to this chapter;

142 (13) Violation of the drug laws or rules and regulations of this state,
143 including but not limited to any provision of chapter 195, any other state, or the
144 federal government;

145 (14) Knowingly making, or causing to be made, or aiding, or abetting in
146 the making of, a false statement in any birth, death or other certificate or
147 document executed in connection with the practice of the person's profession;

148 (15) Knowingly making a false statement, orally or in writing to the
149 board;

150 (16) Soliciting patronage in person or by agents or representatives, or by
151 any other means or manner, under the person's own name or under the name of
152 another person or concern, actual or pretended, in such a manner as to confuse,
153 deceive, or mislead the public as to the need or necessity for or appropriateness
154 of health care services for all patients, or the qualifications of an individual
155 person or persons to diagnose, render, or perform health care services;

156 (17) Using, or permitting the use of, the person's name under the
157 designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with
158 reference to the commercial exploitation of any goods, wares or merchandise;

159 (18) Knowingly making or causing to be made a false statement or
160 misrepresentation of a material fact, with intent to defraud, for payment
161 pursuant to the provisions of chapter 208 or chapter 630 or for payment from
162 Title XVIII or Title XIX of the [federal Medicare program] **Social Security Act**;

163 (19) Failure or refusal to properly guard against contagious, infectious or
164 communicable diseases or the spread thereof; maintaining an unsanitary office
165 or performing professional services under unsanitary conditions; or failure to
166 report the existence of an unsanitary condition in the office of a physician or in
167 any health care facility to the board, in writing, within thirty days after the
168 discovery thereof;

169 (20) Any candidate for licensure or person licensed to practice as a
170 physical therapist, paying or offering to pay a referral fee or, notwithstanding
171 section 334.010 to the contrary, practicing or offering to practice professional
172 physical therapy independent of the prescription and direction of a person
173 licensed and registered as a physician and surgeon pursuant to this chapter, as
174 a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an
175 advanced practice registered nurse under chapter 335, or any licensed and
176 registered physician, dentist, podiatrist, or advanced practice registered nurse
177 practicing in another jurisdiction, whose license is in good standing;

178 (21) Any candidate for licensure or person licensed to practice as a
179 physical therapist, treating or attempting to treat ailments or other health
180 conditions of human beings other than by professional physical therapy and as
181 authorized by sections 334.500 to 334.620;

182 (22) Any person licensed to practice as a physician or surgeon, requiring,
183 as a condition of the physician-patient relationship, that the patient receive
184 prescribed drugs, devices or other professional services directly from facilities of
185 that physician's office or other entities under that physician's ownership or
186 control. A physician shall provide the patient with a prescription which may be
187 taken to the facility selected by the patient and a physician knowingly failing to
188 disclose to a patient on a form approved by the advisory commission for
189 professional physical therapists as established by section 334.625 which is dated
190 and signed by a patient or guardian acknowledging that the patient or guardian
191 has read and understands that the physician has a pecuniary interest in a
192 physical therapy or rehabilitation service providing prescribed treatment and that
193 the prescribed treatment is available on a competitive basis. This subdivision
194 shall not apply to a referral by one physician to another physician within a group
195 of physicians practicing together;

196 (23) A pattern of personal use or consumption of any controlled substance
197 unless it is prescribed, dispensed or administered by another physician who is
198 authorized by law to do so;

199 (24) Habitual intoxication or dependence on alcohol, evidence of which
200 may include more than one alcohol-related enforcement contact as defined by
201 section 302.525;

202 (25) Failure to comply with a treatment program or an aftercare program
203 entered into as part of a board order, settlement agreement or licensee's
204 professional health program;

205 (26) Revocation, suspension, limitation, probation, or restriction of any
206 kind whatsoever of any controlled substance authority, whether agreed to
207 voluntarily or not, or voluntary termination of a controlled substance authority
208 while under investigation;

209 (27) For a physician to operate, conduct, manage, or establish an abortion
210 facility, or for a physician to perform an abortion in an abortion facility, if such
211 facility comes under the definition of an ambulatory surgical center pursuant to
212 sections 197.200 to 197.240, and such facility has failed to obtain or renew a
213 license as an ambulatory surgical center.

214 3. Collaborative practice arrangements, protocols and standing orders
215 shall be in writing and signed and dated by a physician prior to their
216 implementation.

217 4. After the filing of such complaint before the administrative hearing
218 commission, the proceedings shall be conducted in accordance with the provisions
219 of chapter 621. Upon a finding by the administrative hearing commission that
220 the grounds, provided in subsection 2 of this section, for disciplinary action are
221 met, the board may, singly or in combination, warn, censure or place the person
222 named in the complaint on probation on such terms and conditions as the board
223 deems appropriate for a period not to exceed ten years, or may suspend the
224 person's license, certificate or permit for a period not to exceed three years, or
225 restrict or limit the person's license, certificate or permit for an indefinite period
226 of time, or revoke the person's license, certificate, or permit, or administer a
227 public or private reprimand, or deny the person's application for a license, or
228 permanently withhold issuance of a license or require the person to submit to the
229 care, counseling or treatment of physicians designated by the board at the
230 expense of the individual to be examined, or require the person to attend such
231 continuing educational courses and pass such examinations as the board may
232 direct.

233 5. In any order of revocation, the board may provide that the person may
234 not apply for reinstatement of the person's license for a period of time ranging

235 from two to seven years following the date of the order of revocation. All stay
236 orders shall toll this time period.

237 6. Before restoring to good standing a license, certificate or permit issued
238 pursuant to this chapter which has been in a revoked, suspended or inactive state
239 for any cause for more than two years, the board may require the applicant to
240 attend such continuing medical education courses and pass such examinations as
241 the board may direct.

242 7. In any investigation, hearing or other proceeding to determine a
243 licensee's or applicant's fitness to practice, any record relating to any patient of
244 the licensee or applicant shall be discoverable by the board and admissible into
245 evidence, regardless of any statutory or common law privilege which such
246 licensee, applicant, record custodian or patient might otherwise invoke. In
247 addition, no such licensee, applicant, or record custodian may withhold records
248 or testimony bearing upon a licensee's or applicant's fitness to practice on the
249 ground of privilege between such licensee, applicant or record custodian and a
250 patient.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE
IN SUBDIVISION (5) OF SUBSECTION 1:

334.570. 1. Every person licensed under sections 334.500 to 334.620 shall,
2 on or before the registration renewal date, apply to the board for a certificate of
3 registration for the ensuing licensing period. The application shall be made
4 under oath on a form furnished to the applicant by the board. The application
5 shall include, but not be limited to, disclosure of the following:

- 6 (1) The applicant's full name;
- 7 (2) The applicant's office address or addresses and telephone number or
8 numbers;
- 9 (3) The applicant's home address and telephone number;
- 10 (4) The date and number of the applicant's license;
- 11 (5) All final disciplinary actions taken against the applicant by any
12 professional association or society, licensed hospital or medical staff of a hospital,
13 physical therapy facility, state, territory, federal agency or [county] **country**; and
14 (6) Information concerning the applicant's current physical and mental
15 fitness to practice his or her profession.

16 The applicant may be required to successfully complete a test administered by the
17 board on the laws and rules related to the practice of physical therapy. The test
18 process, dates, and passing scores shall be established by the board by rule.

19 2. A notice for application for registration shall be made available to each
20 person licensed in this state. The failure to receive the notice does not, however,
21 relieve any person of the duty to register and pay the fee required by sections
22 334.500 to 334.620 nor exempt such person from the penalties provided by
23 sections 334.500 to 334.620 for failure to register.

24 3. If a physical therapist does not renew such license for two consecutive
25 renewal periods, such license shall be deemed void.

26 4. Each applicant for registration shall accompany the application for
27 registration with a registration fee to be paid to the director of revenue for the
28 licensing period for which registration is sought.

29 5. If the application is filed and the fee paid after the registration renewal
30 date, a delinquent fee shall be paid; except that, whenever in the opinion of the
31 board the applicant's failure to register is caused by extenuating circumstances
32 including illness of the applicant, as defined by rule, the delinquent fee may be
33 waived by the board.

34 6. Upon application and submission by such person of evidence
35 satisfactory to the board that such person is licensed to practice in this state and
36 upon the payment of fees required to be paid by this chapter, the board shall
37 issue to such person a certificate of registration. The certificate of registration
38 shall contain the name of the person to whom it is issued and his or her office
39 address, the expiration date, and the number of the license to practice.

40 7. Upon receiving such certificate, every person shall cause the certificate
41 to be readily available or conspicuously displayed at all times in every practice
42 location maintained by such person in the state. If the licensee maintains more
43 than one practice location in this state, the board shall, without additional fee,
44 issue to such licensee duplicate certificates of registration for each practice
45 location so maintained. If any licensee changes practice locations during the
46 period for which any certificate of registration has been issued, the licensee shall,
47 within fifteen days thereafter, notify the board of such change and the board shall
48 issue to the licensee, without additional fee, a new registration certificate
49 showing the new location.

50 8. Whenever any new license is granted to any physical therapist or
51 physical therapist assistant under the provisions of this chapter, the board shall,
52 upon application therefor, issue to such physical therapist or physical therapist
53 assistant a certificate of registration covering a period from the date of the
54 issuance of the license to the next renewal date without the payment of any

55 registration fee.

EXPLANATION: UPDATES THE REFERENCE TO THE COMMISSION ON
ACCREDITATION IN PHYSICAL THERAPY EDUCATION:

334.610. Any person who holds himself or herself out to be a physical
2 therapist or a licensed physical therapist within this state or any person who
3 advertises as a physical therapist or claims that the person can render physical
4 therapy services and who, in fact, does not hold a valid physical therapist license
5 is guilty of a class B misdemeanor and, upon conviction, shall be punished as
6 provided by law. Any person who, in any manner, represents himself or herself
7 as a physical therapist, or who uses in connection with such person's name the
8 words or letters "physical therapist", "physiotherapist", "registered physical
9 therapist", "doctor of physical therapy", "P.T.", "Ph.T.", "P.T.T.", "R.P.T.", "D.P.T.",
10 "M.P.T.", or any other letters, words, abbreviations or insignia, indicating or
11 implying that the person is a physical therapist without a valid existing license
12 as a physical therapist issued to such person pursuant to the provisions of
13 sections 334.500 to 334.620, is guilty of a class B misdemeanor. Nothing in
14 sections 334.500 to 334.620 shall prohibit any person licensed in this state under
15 chapter 331 from carrying out the practice for which the person is duly licensed,
16 or from advertising the use of physiologic and rehabilitative modalities; nor shall
17 it prohibit any person licensed or registered in this state under section 334.735
18 or any other law from carrying out the practice for which the person is duly
19 licensed or registered; nor shall it prevent professional and semiprofessional
20 teams, schools, YMCA clubs, athletic clubs and similar organizations from
21 furnishing treatment to their players and members. This section, also, shall not
22 be construed so as to prohibit masseurs and masseuses from engaging in their
23 practice not otherwise prohibited by law and provided they do not represent
24 themselves as physical therapists. This section shall not apply to physicians and
25 surgeons licensed under this chapter or to a person in an entry level of a
26 professional education program approved by the [commission for accreditation of
27 physical therapists and physical therapist assistant education] **Commission on**
28 **Accreditation in Physical Therapy Education (CAPTE)** who is satisfying
29 supervised clinical education requirements related to the person's physical
30 therapist or physical therapist assistant education while under on-site
31 supervision of a physical therapist; or to a physical therapist who is practicing in
32 the United States Armed [Services] **Forces**, United States Public Health Service,
33 or Veterans Administration under federal regulations for state licensure for

34 health care providers.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE
IN SUBDIVISION (16) OF SUBSECTION 2:

334.613. 1. The board may refuse to issue or renew a license to practice
2 as a physical therapist or physical therapist assistant for one or any combination
3 of causes stated in subsection 2 of this section. The board shall notify the
4 applicant in writing of the reasons for the refusal and shall advise the applicant
5 of the applicant's right to file a complaint with the administrative hearing
6 commission as provided by chapter 621. As an alternative to a refusal to issue
7 or renew a license to practice as a physical therapist or physical therapist
8 assistant, the board may, at its discretion, issue a license which is subject to
9 probation, restriction, or limitation to an applicant for licensure for any one or
10 any combination of causes stated in subsection 2 of this section. The board's
11 order of probation, limitation, or restriction shall contain a statement of the
12 discipline imposed, the basis therefor, the date such action shall become effective,
13 and a statement that the applicant has thirty days to request in writing a hearing
14 before the administrative hearing commission. If the board issues a probationary,
15 limited, or restricted license to an applicant for licensure, either party may file
16 a written petition with the administrative hearing commission within thirty days
17 of the effective date of the probationary, limited, or restricted license seeking
18 review of the board's determination. If no written request for a hearing is
19 received by the administrative hearing commission within the thirty-day period,
20 the right to seek review of the board's decision shall be considered as waived.

21 2. The board may cause a complaint to be filed with the administrative
22 hearing commission as provided by chapter 621 against any holder of a license to
23 practice as a physical therapist or physical therapist assistant who has failed to
24 renew or has surrendered his or her license for any one or any combination of the
25 following causes:

26 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
27 beverage to an extent that such use impairs a person's ability to perform the work
28 of a physical therapist or physical therapist assistant;

29 (2) The person has been finally adjudicated and found guilty, or entered
30 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
31 any state or of the United States, for any offense reasonably related to the
32 qualifications, functions, or duties of a physical therapist or physical therapist
33 assistant, for any offense an essential element of which is fraud, dishonesty, or

34 an act of violence, or for any offense involving moral turpitude, whether or not
35 sentence is imposed;

36 (3) Use of fraud, deception, misrepresentation, or bribery in securing any
37 certificate of registration or authority, permit, or license issued under this
38 chapter or in obtaining permission to take any examination given or required
39 under this chapter;

40 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct,
41 or unprofessional conduct in the performance of the functions or duties of a
42 physical therapist or physical therapist assistant, including but not limited to the
43 following:

44 (a) Obtaining or attempting to obtain any fee, charge, tuition, or other
45 compensation by fraud, deception, or misrepresentation; willfully and continually
46 overcharging or overtreating patients; or charging for sessions of physical therapy
47 which did not occur unless the services were contracted for in advance, or for
48 services which were not rendered or documented in the patient's records;

49 (b) Attempting, directly or indirectly, by way of intimidation, coercion, or
50 deception, to obtain or retain a patient or discourage the use of a second opinion
51 or consultation;

52 (c) Willfully and continually performing inappropriate or unnecessary
53 treatment or services;

54 (d) Delegating professional responsibilities to a person who is not
55 qualified by training, skill, competency, age, experience, or licensure to perform
56 such responsibilities;

57 (e) Misrepresenting that any disease, ailment, or infirmity can be cured
58 by a method, procedure, treatment, medicine, or device;

59 (f) Performing services which have been declared by board rule to be of no
60 physical therapy value;

61 (g) Final disciplinary action by any professional association, professional
62 society, licensed hospital or medical staff of the hospital, or physical therapy
63 facility in this or any other state or territory, whether agreed to voluntarily or
64 not, and including but not limited to any removal, suspension, limitation, or
65 restriction of the person's professional employment, malpractice, or any other
66 violation of any provision of this chapter;

67 (h) Administering treatment without sufficient examination, or for other
68 than medically accepted therapeutic or experimental or investigative purposes
69 duly authorized by a state or federal agency, or not in the course of professional

- 70 physical therapy practice;
- 71 (i) Engaging in or soliciting sexual relationships, whether consensual or
72 nonconsensual, while a physical therapist or physical therapist assistant/patient
73 relationship exists; making sexual advances, requesting sexual favors, or
74 engaging in other verbal conduct or physical contact of a sexual nature with
75 patients or clients;
- 76 (j) Terminating the care of a patient without adequate notice or without
77 making other arrangements for the continued care of the patient;
- 78 (k) Failing to furnish details of a patient's physical therapy records to
79 treating physicians, other physical therapists, or hospitals upon proper request;
80 or failing to comply with any other law relating to physical therapy records;
- 81 (l) Failure of any applicant or licensee, other than the licensee subject to
82 the investigation, to cooperate with the board during any investigation;
- 83 (m) Failure to comply with any subpoena or subpoena duces tecum from
84 the board or an order of the board;
- 85 (n) Failure to timely pay license renewal fees specified in this chapter;
- 86 (o) Violating a probation agreement with this board or any other licensing
87 agency;
- 88 (p) Failing to inform the board of the physical therapist's or physical
89 therapist assistant's current telephone number, residence, and business address;
- 90 (q) Advertising by an applicant or licensee which is false or misleading,
91 or which violates any rule of the board, or which claims without substantiation
92 the positive cure of any disease, or professional superiority to or greater skill
93 than that possessed by any other physical therapist or physical therapist
94 assistant. An applicant or licensee shall also be in violation of this provision if
95 the applicant or licensee has a financial interest in any organization, corporation,
96 or association which issues or conducts such advertising;
- 97 (5) Any conduct or practice which is or might be harmful or dangerous to
98 the mental or physical health of a patient or the public; or incompetency, gross
99 negligence, or repeated negligence in the performance of the functions or duties
100 of a physical therapist or physical therapist assistant. For the purposes of this
101 subdivision, "repeated negligence" means the failure, on more than one occasion,
102 to use that degree of skill and learning ordinarily used under the same or similar
103 circumstances by the member of the applicant's or licensee's profession;
- 104 (6) Violation of, or attempting to violate, directly or indirectly, or assisting
105 or enabling any person to violate, any provision of this chapter, or of any lawful

106 rule adopted under this chapter;

107 (7) Impersonation of any person licensed as a physical therapist or
108 physical therapist assistant or allowing any person to use his or her license or
109 diploma from any school;

110 (8) Revocation, suspension, restriction, modification, limitation,
111 reprimand, warning, censure, probation, or other final disciplinary action against
112 a physical therapist or physical therapist assistant for a license or other right to
113 practice as a physical therapist or physical therapist assistant by another state,
114 territory, federal agency or country, whether or not voluntarily agreed to by the
115 licensee or applicant, including but not limited to the denial of licensure,
116 surrender of the license, allowing the license to expire or lapse, or discontinuing
117 or limiting the practice of physical therapy while subject to an investigation or
118 while actually under investigation by any licensing authority, medical facility,
119 branch of the Armed Forces of the United States of America, insurance company,
120 court, agency of the state or federal government, or employer;

121 (9) A person is finally adjudged incapacitated or disabled by a court of
122 competent jurisdiction;

123 (10) Assisting or enabling any person to practice or offer to practice who
124 is not licensed and currently eligible to practice under this chapter; or knowingly
125 performing any act which in any way aids, assists, procures, advises, or
126 encourages any person to practice physical therapy who is not licensed and
127 currently eligible to practice under this chapter;

128 (11) Issuance of a license to practice as a physical therapist or physical
129 therapist assistant based upon a material mistake of fact;

130 (12) Failure to display a valid license pursuant to practice as a physical
131 therapist or physical therapist assistant;

132 (13) Knowingly making, or causing to be made, or aiding, or abetting in
133 the making of, a false statement in any document executed in connection with the
134 practice of physical therapy;

135 (14) Soliciting patronage in person or by agents or representatives, or by
136 any other means or manner, under the person's own name or under the name of
137 another person or concern, actual or pretended, in such a manner as to confuse,
138 deceive, or mislead the public as to the need or necessity for or appropriateness
139 of physical therapy services for all patients, or the qualifications of an individual
140 person or persons to render, or perform physical therapy services;

141 (15) Using, or permitting the use of, the person's name under the

142 designation of "physical therapist", "physiotherapist", "registered physical
143 therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical
144 therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation
145 with reference to the commercial exploitation of any goods, wares or merchandise;

146 (16) Knowingly making or causing to be made a false statement or
147 misrepresentation of a material fact, with intent to defraud, for payment under
148 chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the
149 [federal Medicare program] **Social Security Act**;

150 (17) Failure or refusal to properly guard against contagious, infectious,
151 or communicable diseases or the spread thereof; maintaining an unsanitary
152 facility or performing professional services under unsanitary conditions; or failure
153 to report the existence of an unsanitary condition in any physical therapy facility
154 to the board, in writing, within thirty days after the discovery thereof;

155 (18) Any candidate for licensure or person licensed to practice as a
156 physical therapist or physical therapist assistant paying or offering to pay a
157 referral fee or, notwithstanding section 334.010 to the contrary, practicing or
158 offering to practice professional physical therapy independent of the prescription
159 and direction of a person licensed and registered as a physician and surgeon
160 under this chapter, as a physician assistant under this chapter, as a chiropractor
161 under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter
162 330, as an advanced practice registered nurse under chapter 335, or any licensed
163 and registered physician, chiropractor, dentist, podiatrist, or advanced practice
164 registered nurse practicing in another jurisdiction, whose license is in good
165 standing;

166 (19) Any candidate for licensure or person licensed to practice as a
167 physical therapist or physical therapist assistant treating or attempting to treat
168 ailments or other health conditions of human beings other than by professional
169 physical therapy and as authorized by sections 334.500 to 334.685;

170 (20) A pattern of personal use or consumption of any controlled substance
171 unless it is prescribed, dispensed, or administered by a physician who is
172 authorized by law to do so;

173 (21) Failing to maintain adequate patient records under 334.602;

174 (22) Attempting to engage in conduct that subverts or undermines the
175 integrity of the licensing examination or the licensing examination process,
176 including but not limited to utilizing in any manner recalled or memorized
177 licensing examination questions from or with any person or entity, failing to

178 comply with all test center security procedures, communicating or attempting to
179 communicate with any other examinees during the test, or copying or sharing
180 licensing examination questions or portions of questions;

181 (23) Any candidate for licensure or person licensed to practice as a
182 physical therapist or physical therapist assistant who requests, receives,
183 participates or engages directly or indirectly in the division, transferring,
184 assigning, rebating or refunding of fees received for professional services or
185 profits by means of a credit or other valuable consideration such as wages, an
186 unearned commission, discount or gratuity with any person who referred a
187 patient, or with any relative or business associate of the referring person;

188 (24) Being unable to practice as a physical therapist or physical therapist
189 assistant with reasonable skill and safety to patients by reasons of incompetency,
190 or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals,
191 or as a result of any mental or physical condition. The following shall apply to
192 this subdivision:

193 (a) In enforcing this subdivision the board shall, after a hearing by the
194 board, upon a finding of probable cause, require a physical therapist or physical
195 therapist assistant to submit to a reexamination for the purpose of establishing
196 his or her competency to practice as a physical therapist or physical therapist
197 assistant conducted in accordance with rules adopted for this purpose by the
198 board, including rules to allow the examination of the pattern and practice of
199 such physical therapist's or physical therapist assistant's professional conduct,
200 or to submit to a mental or physical examination or combination thereof by a
201 facility or professional approved by the board;

202 (b) For the purpose of this subdivision, every physical therapist and
203 physical therapist assistant licensed under this chapter is deemed to have
204 consented to submit to a mental or physical examination when directed in writing
205 by the board;

206 (c) In addition to ordering a physical or mental examination to determine
207 competency, the board may, notwithstanding any other law limiting access to
208 medical or other health data, obtain medical data and health records relating to
209 a physical therapist, physical therapist assistant or applicant without the
210 physical therapist's, physical therapist assistant's or applicant's consent;

211 (d) Written notice of the reexamination or the physical or mental
212 examination shall be sent to the physical therapist or physical therapist
213 assistant, by registered mail, addressed to the physical therapist or physical

214 therapist assistant at the physical therapist's or physical therapist assistant's
215 last known address. Failure of a physical therapist or physical therapist
216 assistant to submit to the examination when directed shall constitute an
217 admission of the allegations against the physical therapist or physical therapist
218 assistant, in which case the board may enter a final order without the
219 presentation of evidence, unless the failure was due to circumstances beyond the
220 physical therapist's or physical therapist assistant's control. A physical therapist
221 or physical therapist assistant whose right to practice has been affected under
222 this subdivision shall, at reasonable intervals, be afforded an opportunity to
223 demonstrate that the physical therapist or physical therapist assistant can
224 resume the competent practice as a physical therapist or physical therapist
225 assistant with reasonable skill and safety to patients;

226 (e) In any proceeding under this subdivision neither the record of
227 proceedings nor the orders entered by the board shall be used against a physical
228 therapist or physical therapist assistant in any other proceeding. Proceedings
229 under this subdivision shall be conducted by the board without the filing of a
230 complaint with the administrative hearing commission;

231 (f) When the board finds any person unqualified because of any of the
232 grounds set forth in this subdivision, it may enter an order imposing one or more
233 of the disciplinary measures set forth in subsection 3 of this section.

234 3. After the filing of such complaint before the administrative hearing
235 commission, the proceedings shall be conducted in accordance with the provisions
236 of chapter 621. Upon a finding by the administrative hearing commission that
237 the grounds provided in subsection 2 of this section for disciplinary action are
238 met, the board may, singly or in combination:

239 (1) Warn, censure or place the physical therapist or physical therapist
240 assistant named in the complaint on probation on such terms and conditions as
241 the board deems appropriate for a period not to exceed ten years;

242 (2) Suspend the physical therapist's or physical therapist assistant's
243 license for a period not to exceed three years;

244 (3) Restrict or limit the physical therapist's or physical therapist
245 assistant's license for an indefinite period of time;

246 (4) Revoke the physical therapist's or physical therapist assistant's
247 license;

248 (5) Administer a public or private reprimand;

249 (6) Deny the physical therapist's or physical therapist assistant's

250 application for a license;

251 (7) Permanently withhold issuance of a license;

252 (8) Require the physical therapist or physical therapist assistant to
253 submit to the care, counseling or treatment of physicians designated by the board
254 at the expense of the physical therapist or physical therapist assistant to be
255 examined;

256 (9) Require the physical therapist or physical therapist assistant to attend
257 such continuing educational courses and pass such examinations as the board
258 may direct.

259 4. In any order of revocation, the board may provide that the physical
260 therapist or physical therapist assistant shall not apply for reinstatement of the
261 physical therapist's or physical therapist assistant's license for a period of time
262 ranging from two to seven years following the date of the order of revocation. All
263 stay orders shall toll this time period.

264 5. Before restoring to good standing a license issued under this chapter
265 which has been in a revoked, suspended, or inactive state for any cause for more
266 than two years, the board may require the applicant to attend such continuing
267 medical education courses and pass such examinations as the board may direct.

268 6. In any investigation, hearing or other proceeding to determine a
269 physical therapist's, physical therapist assistant's or applicant's fitness to
270 practice, any record relating to any patient of the physical therapist, physical
271 therapist assistant, or applicant shall be discoverable by the board and
272 admissible into evidence, regardless of any statutory or common law privilege
273 which such physical therapist, physical therapist assistant, applicant, record
274 custodian, or patient might otherwise invoke. In addition, no such physical
275 therapist, physical therapist assistant, applicant, or record custodian may
276 withhold records or testimony bearing upon a physical therapist's, physical
277 therapist assistant's, or applicant's fitness to practice on the grounds of privilege
278 between such physical therapist, physical therapist assistant, applicant, or record
279 custodian and a patient.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE:

334.618. Upon receiving information that any provision of sections
2 334.500 to 334.687 has been or is being violated, the executive director of the
3 board or other person designated by the board shall investigate and, upon
4 probable cause appearing, the executive director shall, under the direction of the

5 board, file a complaint with the administrative hearing commission or appropriate
6 official or court. All such complaints shall be handled as provided by rule
7 promulgated under [subdivision (6) of subsection 16 of section 620.010] **section**
8 **324.002**.

EXPLANATION: UPDATES THE REFERENCE TO THE COMMISSION ON
ACCREDITATION IN PHYSICAL THERAPY EDUCATION:

334.686. Any person who holds himself or herself out to be a physical
2 therapist assistant or a licensed physical therapist assistant within this state or
3 any person who advertises as a physical therapist assistant and who, in fact, does
4 not hold a valid physical therapist assistant license is guilty of a class B
5 misdemeanor and, upon conviction, shall be punished as provided by law. Any
6 person who, in any manner, represents himself or herself as a physical therapist
7 assistant, or who uses in connection with such person's name the words or letters,
8 "physical therapist assistant", the letters "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any
9 other letters, words, abbreviations or insignia, indicating or implying that the
10 person is a physical therapist assistant without a valid existing license as a
11 physical therapist assistant issued to such person under the provisions of sections
12 334.500 to 334.620, is guilty of a class B misdemeanor. This section shall not
13 apply to physicians and surgeons licensed under this chapter or to a person in an
14 entry level of a professional education program approved by the [Commission for
15 Accreditation of Physical Therapists and Physical Therapist Assistant]
16 **Commission on Accreditation in Physical Therapy** Education (CAPTE) who
17 is satisfying supervised clinical education requirements related to the person's
18 physical therapist or physical therapist assistant education while under on-site
19 supervision of a physical therapist; or to a physical therapist who is practicing in
20 the United States Armed Forces, United States Public Health Service, or
21 Veterans Administration under federal regulations for state licensure for health
22 care providers.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE IN SUBDIVISION (1) OF SUBSECTION 1:

335.036. 1. The board shall:

2 (1) Elect for a one-year term a president and a secretary, who shall also
3 be treasurer, and the board may appoint, employ and fix the compensation of a
4 legal counsel and such board personnel as defined in subdivision (4) of subsection
5 [10] 11 of section 324.001 as are necessary to administer the provisions of
6 sections 335.011 to 335.096;

- 7 (2) Adopt and revise such rules and regulations as may be necessary to
8 enable it to carry into effect the provisions of sections 335.011 to 335.096;
- 9 (3) Prescribe minimum standards for educational programs preparing
10 persons for licensure pursuant to the provisions of sections 335.011 to 335.096;
- 11 (4) Provide for surveys of such programs every five years and in addition
12 at such times as it may deem necessary;
- 13 (5) Designate as "approved" such programs as meet the requirements of
14 sections 335.011 to 335.096 and the rules and regulations enacted pursuant to
15 such sections; and the board shall annually publish a list of such programs;
- 16 (6) Deny or withdraw approval from educational programs for failure to
17 meet prescribed minimum standards;
- 18 (7) Examine, license, and cause to be renewed the licenses of duly
19 qualified applicants;
- 20 (8) Cause the prosecution of all persons violating provisions of sections
21 335.011 to 335.096, and may incur such necessary expenses therefor;
- 22 (9) Keep a record of all the proceedings; and make an annual report to the
23 governor and to the director of the department of insurance, financial institutions
24 and professional registration;
- 25 (10) Establish an impaired nurse program.
- 26 2. The board shall set the amount of the fees which this chapter
27 authorizes and requires by rules and regulations. The fees shall be set at a level
28 to produce revenue which shall not substantially exceed the cost and expense of
29 administering this chapter.
- 30 3. All fees received by the board pursuant to the provisions of sections
31 335.011 to 335.096 shall be deposited in the state treasury and be placed to the
32 credit of the state board of nursing fund. All administrative costs and expenses
33 of the board shall be paid from appropriations made for those purposes. The
34 board is authorized to provide funding for the nursing education incentive
35 program established in sections 335.200 to 335.203.
- 36 4. The provisions of section 33.080 to the contrary notwithstanding, money
37 in this fund shall not be transferred and placed to the credit of general revenue
38 until the amount in the fund at the end of the biennium exceeds two times the
39 amount of the appropriation from the board's funds for the preceding fiscal year
40 or, if the board requires by rule, permit renewal less frequently than yearly, then
41 three times the appropriation from the board's funds for the preceding fiscal
42 year. The amount, if any, in the fund which shall lapse is that amount in the

43 fund which exceeds the appropriate multiple of the appropriations from the
44 board's funds for the preceding fiscal year.

45 5. Any rule or portion of a rule, as that term is defined in section 536.010,
46 that is created under the authority delegated in this chapter shall become
47 effective only if it complies with and is subject to all of the provisions of chapter
48 536 and, if applicable, section 536.028. All rulemaking authority delegated prior
49 to August 28, 1999, is of no force and effect and repealed. Nothing in this section
50 shall be interpreted to repeal or affect the validity of any rule filed or adopted
51 prior to August 28, 1999, if it fully complied with all applicable provisions of
52 law. This section and chapter 536 are nonseverable and if any of the powers
53 vested with the general assembly pursuant to chapter 536 to review, to delay the
54 effective date or to disapprove and annul a rule are subsequently held
55 unconstitutional, then the grant of rulemaking authority and any rule proposed
56 or adopted after August 28, 1999, shall be invalid and void.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE IN SUBSECTION 1:

336.160. 1. The board may adopt reasonable rules and regulations within
2 the scope and terms of this chapter for the proper administration and
3 enforcement thereof. It may employ such board personnel, as defined in
4 subdivision (4) of subsection [10] 11 of section 324.001, as it deems necessary
5 within appropriations therefor.

6 2. The board shall set the amount of the fees which this chapter
7 authorizes and requires by rules and regulations promulgated pursuant to section
8 536.021. The fees shall be set at a level to produce revenue which shall not
9 substantially exceed the cost and expense of administering this chapter.

EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

337.030. 1. Each psychologist licensed pursuant to the provisions of
2 sections 337.010 to 337.090, who has not filed with the committee a verified
3 statement that the psychologist has retired from or terminated the psychologist's
4 practice of psychology in this state, shall register with the division on or before
5 the registration renewal date. The division shall require a registration fee which
6 shall be submitted together with proof of compliance with the continuing
7 education requirement as provided in section 337.050 and any other information
8 required for such registration. Upon receipt of the required material and of the
9 registration fee, the division shall issue a renewal certificate of registration. [The
10 division shall,] When issuing an initial license to an applicant who has met all

11 of the qualifications of sections 337.010 to 337.093 and has been approved for
12 licensure by the committee, **the division** shall grant the applicant, without
13 payment of any further fee, a certificate of registration valid until the next
14 registration renewal date.

15 2. The division shall mail a renewal notice to the last known address of
16 each licensee prior to the registration renewal date. Failure to provide the
17 division with the proof of compliance with the continuing education requirement
18 and other information required for registration, or to pay the registration fee
19 after such notice shall [effect a revocation of the license after a period of sixty
20 days from the registration renewal date] **result in the expiration of the**
21 **license**. The license shall be restored if, within two years of the registration
22 renewal date, the applicant provides written application and the payment of the
23 registration fee and a delinquency fee and proof of compliance with the
24 requirements for continuing education as provided in section 337.050.

25 3. A new certificate to replace any certificate lost, destroyed or mutilated
26 may be issued subject to the rules of the committee, upon payment of a
27 reasonable fee.

28 4. The committee shall set the amount of the fees authorized by sections
29 337.010 to 337.093 and required by rules and regulations promulgated pursuant
30 to section 536.021. The fees shall be set at a level to produce revenue which shall
31 not substantially exceed the cost and expense of administering sections 337.010
32 to 337.090.

33 5. The committee is authorized to issue an inactive license to any licensee
34 who makes written application for such license on a form provided by the board
35 and remits the fee for an inactive license established by the committee. An
36 inactive license may be issued only to a person who has previously been issued
37 a license to practice psychology in this state, who is no longer regularly engaged
38 in such practice and who does not hold himself or herself out to the public as
39 being professionally engaged in such practice in this state. Each inactive license
40 shall be subject to all provisions of this chapter, except as otherwise specifically
41 provided. Each inactive license may be renewed by the committee subject to all
42 provisions of this section and all other provisions of this chapter. The inactive
43 licensee shall not be required to submit evidence of completion of continuing
44 education as required by this chapter. An inactive licensee may apply for a
45 license to regularly engage in the practice of psychology upon filing a written
46 application on a form provided by the committee, submitting the reactivation fee

47 established by the committee, and submitting proof of current competency as
48 established by the committee.

EXPLANATION: THIS SECTION UPDATES LANGUAGE TO REFLECT THE
LICENSURE OF BEHAVIOR ANALYSTS:

337.347. For reimbursement and billing purposes of section 376.1224,
2 services provided by a provisionally licensed assistant behavior analyst, a
3 provisionally licensed behavior analyst, or a temporary licensed behavior analyst
4 shall be billed by the supervising [board-certified] **licensed** behavior analyst.

EXPLANATION: THIS SECTION REMOVES LANGUAGE WHICH CONFLICTS
WITH REQUIREMENTS FOR THIRD-PARTY REIMBURSEMENT OR
LICENSURE IN ANOTHER STATE:

337.507. 1. Applications for examination and licensure as a professional
2 counselor shall be in writing, submitted to the division on forms prescribed by the
3 division and furnished to the applicant. The application shall contain the
4 applicant's statements showing his education, experience and such other
5 information as the division may require. Each application shall contain a
6 statement that it is made under oath or affirmation and that the information
7 contained therein is true and correct to the best knowledge and belief of the
8 applicant, subject to the penalties provided for the making of a false affidavit or
9 declaration. Each application shall be accompanied by the fees required by the
10 committee.

11 2. The division shall mail a renewal notice to the last known address of
12 each licensee prior to the registration renewal date. Failure to provide the
13 division with the information required for registration, or to pay the registration
14 fee after such notice shall [effect a revocation of the license after a period of sixty
15 days from the registration renewal date] **result in the expiration of the**
16 **license**. The license shall be restored if, within two years of the registration
17 date, the applicant provides written application and the payment of the
18 registration fee and a delinquency fee.

19 3. A new certificate to replace any certificate lost, destroyed or mutilated
20 may be issued subject to the rules of the committee, upon payment of a fee.

21 4. The committee shall set the amount of the fees which sections 337.500
22 to 337.540 authorize and require by rules and regulations promulgated pursuant
23 to section 536.021. The fees shall be set at a level to produce revenue which shall
24 not substantially exceed the cost and expense of administering the provisions of
25 sections 337.500 to 337.540. All fees provided for in sections 337.500 to 337.540

26 shall be collected by the director who shall deposit the same with the state
27 treasurer in a fund to be known as the "Committee of Professional Counselors
28 Fund".

29 5. The provisions of section 33.080 to the contrary notwithstanding, money
30 in this fund shall not be transferred and placed to the credit of general revenue
31 until the amount in the fund at the end of the biennium exceeds two times the
32 amount of the appropriation from the committee's fund for the preceding fiscal
33 year or, if the committee requires by rule renewal less frequently than yearly
34 then three times the appropriation from the committee's fund for the preceding
35 fiscal year. The amount, if any, in the fund which shall lapse is that amount in
36 the fund which exceeds the appropriate multiple of the appropriations from the
37 committee's fund for the preceding fiscal year.

38 6. The committee shall hold public examinations at least two times per
39 year, at such times and places as may be fixed by the committee, notice of such
40 examinations to be given to each applicant at least ten days prior thereto.

EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

337.612. 1. Applications for licensure as a clinical social worker,
2 baccalaureate social worker, advanced macro social worker or master social
3 worker shall be in writing, submitted to the committee on forms prescribed by the
4 committee and furnished to the applicant. The application shall contain the
5 applicant's statements showing the applicant's education, experience, and such
6 other information as the committee may require. Each application shall contain
7 a statement that it is made under oath or affirmation and that the information
8 contained therein is true and correct to the best knowledge and belief of the
9 applicant, subject to the penalties provided for the making of a false affidavit or
10 declaration. Each application shall be accompanied by the fees required by the
11 committee.

12 2. The committee shall mail a renewal notice to the last known address
13 of each licensee prior to the licensure renewal date. Failure to provide the
14 committee with the information required for licensure, or to pay the licensure fee
15 after such notice shall [effect a revocation of the license after a period of sixty
16 days from the licensure renewal date] **result in the expiration of the**
17 **license**. The license shall be restored if, within two years of the licensure date,
18 the applicant provides written application and the payment of the licensure fee
19 and a delinquency fee.

20 3. A new certificate to replace any certificate lost, destroyed or mutilated

21 may be issued subject to the rules of the committee, upon payment of a fee.

22 4. The committee shall set the amount of the fees which sections 337.600
23 to 337.689 authorize and require by rules and regulations promulgated pursuant
24 to section 536.021. The fees shall be set at a level to produce revenue which shall
25 not substantially exceed the cost and expense of administering the provisions of
26 sections 337.600 to 337.689. All fees provided for in sections 337.600 to 337.689
27 shall be collected by the director who shall deposit the same with the state
28 treasurer in a fund to be known as the "Clinical Social Workers Fund". After
29 August 28, 2007, the clinical social workers fund shall be called the "Licensed
30 Social Workers Fund" and after such date all references in state law to the
31 clinical social workers fund shall be considered references to the licensed social
32 workers fund.

33 5. The provisions of section 33.080 to the contrary notwithstanding, money
34 in this fund shall not be transferred and placed to the credit of general revenue
35 until the amount in the fund at the end of the biennium exceeds two times the
36 amount of the appropriations from the [clinical] **licensed** social workers fund for
37 the preceding fiscal year or, if the committee requires by rule renewal less
38 frequently than yearly, then three times the appropriation from the committee's
39 fund for the preceding fiscal year. The amount, if any, in the fund which shall
40 lapse is that amount in the fund which exceeds the appropriate multiple of the
41 appropriations from the clinical social workers fund for the preceding fiscal year.

EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

337.662. 1. Applications for licensure as a baccalaureate social worker
2 shall be in writing, submitted to the committee on forms prescribed by the
3 committee and furnished to the applicant. The application shall contain the
4 applicant's statements showing the applicant's education, experience and such
5 other information as the committee may require. Each application shall contain
6 a statement that it is made under oath or affirmation and that the information
7 contained therein is true and correct to the best knowledge and belief of the
8 applicant, subject to the penalties provided for the making of a false affidavit or
9 declaration. Each application shall be accompanied by the fees required by the
10 committee.

11 2. The committee shall mail a renewal notice to the last known address
12 of each licensee prior to the licensure renewal date. Failure to provide the
13 committee with the information required for licensure, or to pay the licensure fee
14 after such notice shall [effect a revocation of the license after a period of sixty

15 days from the licensure renewal date] **result in the expiration of the**
16 **license**. The license shall be restored if, within two years of the licensure date,
17 the applicant provides written application and the payment of the licensure fee
18 and a delinquency fee.

19 3. A new certificate to replace any certificate lost, destroyed or mutilated
20 may be issued subject to the rules of the committee, upon payment of a fee.

21 4. The committee shall set the amount of the fees which sections 337.650
22 to 337.689 authorize and require by rules and regulations promulgated pursuant
23 to chapter 536. The fees shall be set at a level to produce revenue which shall
24 not substantially exceed the cost and expense of administering the provisions of
25 sections 337.650 to 337.689. All fees provided for in sections 337.650 to 337.689
26 shall be collected by the director who shall deposit the same with the state
27 treasurer in the clinical social workers fund established in section 337.612.

EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

337.712. 1. Applications for licensure as a marital and family therapist
2 shall be in writing, submitted to the committee on forms prescribed by the
3 committee and furnished to the applicant. The application shall contain the
4 applicant's statements showing the applicant's education, experience and such
5 other information as the committee may require. Each application shall contain
6 a statement that it is made under oath or affirmation and that the information
7 contained therein is true and correct to the best knowledge and belief of the
8 applicant, subject to the penalties provided for the making of a false affidavit or
9 declaration. Each application shall be accompanied by the fees required by the
10 division.

11 2. The division shall mail a renewal notice to the last known address of
12 each licensee prior to the licensure renewal date. Failure to provide the division
13 with the information required for [license] **licensure**, or to pay the licensure fee
14 after such notice shall [effect a revocation of the license after a period of sixty
15 days from the license renewal date] **result in the expiration of the**
16 **license**. The license shall be restored if, within two years of the licensure date,
17 the applicant provides written application and the payment of the licensure fee
18 and a delinquency fee.

19 3. A new certificate to replace any certificate lost, destroyed or mutilated
20 may be issued subject to the rules of the division upon payment of a fee.

21 4. The committee shall set the amount of the fees authorized. The fees
22 shall be set at a level to produce revenue which shall not substantially exceed the

23 cost and expense of administering the provisions of sections 337.700 to 337.739.
24 All fees provided for in sections 337.700 to 337.739 shall be collected by the
25 director who shall deposit the same with the state treasurer to a fund to be
26 known as the "Marital and Family Therapists' Fund".

27 5. The provisions of section 33.080 to the contrary notwithstanding, money
28 in this fund shall not be transferred and placed to the credit of general revenue
29 until the amount in the fund at the end of the biennium exceeds two times the
30 amount of the appropriations from the marital and family therapists' fund for the
31 preceding fiscal year or, if the division requires by rule renewal less frequently
32 than yearly then three times the appropriation from the fund for the preceding
33 fiscal year. The amount, if any, in the fund which shall lapse is that amount in
34 the fund which exceeds the appropriate multiple of the appropriations from the
35 marital and family therapists' fund for the preceding fiscal year.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE IN SUBSECTION 2:

338.130. 1. Each member of the board shall receive as compensation an
2 amount set by the board not to exceed fifty dollars for each day devoted to the
3 affairs of the board, and shall be entitled to reimbursement of the member's
4 expenses necessarily incurred in the discharge of the member's official duties.

5 2. The board may employ such board personnel, as defined in subdivision
6 (4) of subsection [10] 11 of section 324.001, as it deems necessary to carry out the
7 provisions of this chapter. The compensation and expenses of such personnel and
8 all expenses incurred by the board in carrying into execution the provisions of
9 this chapter shall be paid out of the board of pharmacy fund upon a warrant on
10 the state treasurer.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE IN SUBSECTION 3:

339.120. 1. There is hereby created the "Missouri Real Estate
2 Commission", to consist of seven persons, citizens of the United States and
3 residents of this state for at least one year prior to their appointment, for the
4 purpose of carrying out and enforcing the provisions of sections 339.010 to
5 339.180 and sections 339.710 to 339.860. The commission shall be appointed by
6 the governor with the advice and consent of the senate. All members, except one
7 voting public member, of the commission must have had at least ten years'
8 experience as a real estate broker prior to their appointment. The terms of the
9 members of the commission shall be for five years, and until their successors are

10 appointed and qualified. Members to fill vacancies shall be appointed by the
11 governor for the unexpired term. The president of the Missouri Association of
12 Realtors in office at the time shall, at least ninety days prior to the expiration of
13 the term of the board member, other than the public member, or as soon as
14 feasible after the vacancy on the board otherwise occurs, submit to the director
15 of the division of professional registration a list of five realtors qualified and
16 willing to fill the vacancy in question, with the request and recommendation that
17 the governor appoint one of the five persons so listed, and with the list so
18 submitted, the president of the Missouri Association of Realtors shall include in
19 his or her letter of transmittal a description of the method by which the names
20 were chosen by that association. The commission shall organize annually by
21 selecting from its members a chairman. The commission may do all things
22 necessary and convenient for carrying into effect the provisions of sections
23 339.010 to 339.180 and sections 339.710 to 339.860, and may promulgate
24 necessary rules compatible with the provisions of sections 339.010 to 339.180 and
25 sections 339.710 to 339.860. Each member of the commission shall receive as
26 compensation an amount set by the commission not to exceed seventy-five dollars
27 for each day devoted to the affairs of the commission, and shall be entitled to
28 reimbursement of his or her expenses necessarily incurred in the discharge of his
29 or her official duties. The governor may remove any commissioner for cause.

30 2. The public member shall be at the time of his or her appointment a
31 citizen of the United States; a resident of this state for a period of one year and
32 a registered voter; a person who is not and never was a member of any profession
33 licensed or regulated pursuant to sections 339.010 to 339.180 and sections
34 339.710 to 339.860 or the spouse of such person; and a person who does not have
35 and never has had a material, financial interest in either the providing of the
36 professional services regulated by sections 339.010 to 339.180 and sections
37 339.710 to 339.860, or an activity or organization directly related to any
38 profession licensed or regulated pursuant to sections 339.010 to 339.180 and
39 sections 339.710 to 339.860. All members, including public members, shall be
40 chosen from lists submitted by the director of the division of professional
41 registration. The duties of the public member shall not include the determination
42 of the technical requirements to be met for licensure or whether any person meets
43 such technical requirements or of the technical competence or technical judgment
44 of a licensee or a candidate for licensure.

45 3. The commission shall employ such board personnel, as defined in

46 subdivision (4) of subsection [10] 11 of section 324.001, as it shall deem necessary
47 to discharge the duties imposed by the provisions of sections 339.010 to 339.180
48 and sections 339.710 to [339.860] **339.855**.

49 4. Any rule or portion of a rule, as that term is defined in section 536.010,
50 that is created under the authority delegated in sections 339.010 to 339.180 and
51 sections 339.710 to 339.860 shall become effective only if it complies with and is
52 subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
53 All rulemaking authority delegated prior to August 28, 1999, is of no force and
54 effect and repealed. Nothing in this section shall be interpreted to repeal or
55 affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully
56 complied with all applicable provisions of law. This section and chapter 536 are
57 nonseverable and if any of the powers vested with the general assembly pursuant
58 to chapter 536 to review, to delay the effective date or to disapprove and annul
59 a rule are subsequently held unconstitutional, then the grant of rulemaking
60 authority and any rule proposed or adopted after August 28, 1999, shall be
61 invalid and void.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE IN SUBSECTION 1:

345.035. 1. The board may, within the limits of appropriations, employ
2 such board personnel as defined in subdivision (4) of subsection [10] 11 of section
3 324.001 as may be necessary to carry out its duties.

4 2. All expenses of the board shall be paid only from appropriations made
5 for that purpose from the board of registration for the healing arts fund.

EXPLANATION: THIS SECTION CONTAINS A TYPOGRAPHICAL ERROR:

382.277. Whenever it appears to the director that any person has
2 committed a violation of sections 382.040 to 382.090 and the violation prevents
3 the full understanding of the enterprise risk to the insurer by affiliates or by the
4 insurance holding company system, the violation may serve as an independent
5 basis for disapproving dividends or distributions and for placing the insurer
6 under an order of [suspension] **supervision** in accordance with section 375.1160.

EXPLANATION: THIS SECTION REMOVES OBSOLETE LANGUAGE:

386.145. The chairman of the public service commission[, in the presence
2 of the speaker of the house of representatives or some member of the house of
3 representatives designated in writing by said speaker and the president pro tem
4 of the senate or some member of the senate designated in writing by said
5 president pro tem,] may destroy by burning, or otherwise dispose of as ordered

6 by the public service commission, such records, financial statements and such
7 public documents which shall at the time of destruction or disposal have been on
8 file in the office of the public service commission for a period of five years or
9 longer and which are determined by the public service commission to be obsolete
10 or of no further public use or value, except such records and documents as may
11 at the time be the subject of litigation or dispute.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

386.890. 1. This section shall be known and may be cited as the "Net
2 Metering and Easy Connection Act".

3 2. As used in this section, the following terms shall mean:

4 (1) "Avoided fuel cost", the current average cost of fuel for the entity
5 generating electricity, as defined by the governing body with jurisdiction over any
6 municipal electric utility, rural electric cooperative as provided in chapter 394,
7 or electrical corporation as provided in this chapter;

8 (2) "Commission", the public service commission of the state of Missouri;

9 (3) "Customer-generator", the owner or operator of a qualified electric
10 energy generation unit which:

11 (a) Is powered by a renewable energy resource;

12 (b) Has an electrical generating system with a capacity of not more than
13 one hundred kilowatts;

14 (c) Is located on a premises owned, operated, leased, or otherwise
15 controlled by the customer-generator;

16 (d) Is interconnected and operates in parallel phase and synchronization
17 with a retail electric supplier and has been approved by said retail electric
18 supplier;

19 (e) Is intended primarily to offset part or all of the customer-generator's
20 own electrical energy requirements;

21 (f) Meets all applicable safety, performance, interconnection, and
22 reliability standards established by the National Electrical Code, the National
23 Electrical Safety Code, the Institute of Electrical and Electronics Engineers,
24 Underwriters Laboratories, the Federal Energy Regulatory Commission, and any
25 local governing authorities; and

26 (g) Contains a mechanism that automatically disables the unit and
27 interrupts the flow of electricity back onto the supplier's electricity lines in the

28 event that service to the customer-generator is interrupted;

29 (4) "Department", the department of [natural resources] **economic**
30 **development**;

31 (5) "Net metering", using metering equipment sufficient to measure the
32 difference between the electrical energy supplied to a customer-generator by a
33 retail electric supplier and the electrical energy supplied by the
34 customer-generator to the retail electric supplier over the applicable billing
35 period;

36 (6) "Renewable energy resources", electrical energy produced from wind,
37 solar thermal sources, hydroelectric sources, photovoltaic cells and panels, fuel
38 cells using hydrogen produced by one of the above-named electrical energy
39 sources, and other sources of energy that become available after August 28, 2007,
40 and are certified as renewable by the department;

41 (7) "Retail electric supplier" or "supplier", any municipal utility, electrical
42 corporation regulated under this chapter, or rural electric cooperative under
43 chapter 394 that provides retail electric service in this state.

44 3. A retail electric supplier shall:

45 (1) Make net metering available to customer-generators on a first-come,
46 first-served basis until the total rated generating capacity of net metering
47 systems equals five percent of the utility's single-hour peak load during the
48 previous year, after which the commission for a public utility or the governing
49 body for other electric utilities may increase the total rated generating capacity
50 of net metering systems to an amount above five percent. However, in a given
51 calendar year, no retail electric supplier shall be required to approve any
52 application for interconnection if the total rated generating capacity of all
53 applications for interconnection already approved to date by said supplier in said
54 calendar year equals or exceeds one percent of said supplier's single-hour peak
55 load for the previous calendar year;

56 (2) Offer to the customer-generator a tariff or contract that is identical in
57 electrical energy rates, rate structure, and monthly charges to the contract or
58 tariff that the customer would be assigned if the customer were not an eligible
59 customer-generator but shall not charge the customer-generator any additional
60 standby, capacity, interconnection, or other fee or charge that would not
61 otherwise be charged if the customer were not an eligible customer-generator; and

62 (3) Disclose annually the availability of the net metering program to each
63 of its customers with the method and manner of disclosure being at the discretion

64 of the supplier.

65 4. A customer-generator's facility shall be equipped with sufficient
66 metering equipment that can measure the net amount of electrical energy
67 produced or consumed by the customer-generator. If the customer-generator's
68 existing meter equipment does not meet these requirements or if it is necessary
69 for the electric supplier to install additional distribution equipment to
70 accommodate the customer-generator's facility, the customer-generator shall
71 reimburse the retail electric supplier for the costs to purchase and install the
72 necessary additional equipment. At the request of the customer-generator, such
73 costs may be initially paid for by the retail electric supplier, and any amount up
74 to the total costs and a reasonable interest charge may be recovered from the
75 customer-generator over the course of up to twelve billing cycles. Any subsequent
76 meter testing, maintenance or meter equipment change necessitated by the
77 customer-generator shall be paid for by the customer-generator.

78 5. Consistent with the provisions in this section, the net electrical energy
79 measurement shall be calculated in the following manner:

80 (1) For a customer-generator, a retail electric supplier shall measure the
81 net electrical energy produced or consumed during the billing period in
82 accordance with normal metering practices for customers in the same rate class,
83 either by employing a single, bidirectional meter that measures the amount of
84 electrical energy produced and consumed, or by employing multiple meters that
85 separately measure the customer-generator's consumption and production of
86 electricity;

87 (2) If the electricity supplied by the supplier exceeds the electricity
88 generated by the customer-generator during a billing period, the
89 customer-generator shall be billed for the net electricity supplied by the supplier
90 in accordance with normal practices for customers in the same rate class;

91 (3) If the electricity generated by the customer-generator exceeds the
92 electricity supplied by the supplier during a billing period, the
93 customer-generator shall be billed for the appropriate customer charges for that
94 billing period in accordance with subsection 3 of this section and shall be credited
95 an amount at least equal to the avoided fuel cost of the excess kilowatt-hours
96 generated during the billing period, with this credit applied to the following
97 billing period;

98 (4) Any credits granted by this subsection shall expire without any
99 compensation at the earlier of either twelve months after their issuance or when

100 the customer-generator disconnects service or terminates the net metering
101 relationship with the supplier;

102 (5) For any rural electric cooperative under chapter 394, or municipal
103 utility, upon agreement of the wholesale generator supplying electric energy to
104 the retail electric supplier, at the option of the retail electric supplier, the credit
105 to the customer-generator may be provided by the wholesale generator.

106 6. (1) Each qualified electric energy generation unit used by a
107 customer-generator shall meet all applicable safety, performance, interconnection,
108 and reliability standards established by any local code authorities, the National
109 Electrical Code, the National Electrical Safety Code, the Institute of Electrical
110 and Electronics Engineers, and Underwriters Laboratories for distributed
111 generation. No supplier shall impose any fee, charge, or other requirement not
112 specifically authorized by this section or the rules promulgated under subsection
113 9 of this section unless the fee, charge, or other requirement would apply to
114 similarly situated customers who are not customer-generators, except that a retail
115 electric supplier may require that a customer-generator's system contain a switch,
116 circuit breaker, fuse, or other easily accessible device or feature located in
117 immediate proximity to the customer-generator's metering equipment that would
118 allow a utility worker the ability to manually and instantly disconnect the unit
119 from the utility's electric distribution system;

120 (2) For systems of ten kilowatts or less, a customer-generator whose
121 system meets the standards and rules under subdivision (1) of this subsection
122 shall not be required to install additional controls, perform or pay for additional
123 tests or distribution equipment, or purchase additional liability insurance beyond
124 what is required under subdivision (1) of this subsection and subsection 4 of this
125 section;

126 (3) For customer-generator systems of greater than ten kilowatts, the
127 commission for public utilities and the governing body for other utilities shall, by
128 rule or equivalent formal action by each respective governing body:

129 (a) Set forth safety, performance, and reliability standards and
130 requirements; and

131 (b) Establish the qualifications for exemption from a requirement to
132 install additional controls, perform or pay for additional tests or distribution
133 equipment, or purchase additional liability insurance.

134 7. (1) Applications by a customer-generator for interconnection of a
135 qualified electric energy generation unit meeting the requirements of subdivision

136 (3) of subsection 2 of this section to the distribution system shall be accompanied
137 by the plan for the customer-generator's electrical generating system, including
138 but not limited to a wiring diagram and specifications for the generating unit,
139 and shall be reviewed and responded to by the retail electric supplier within
140 thirty days of receipt for systems ten kilowatts or less and within ninety days of
141 receipt for all other systems. Prior to the interconnection of the qualified
142 generation unit to the supplier's system, the customer-generator will furnish the
143 retail electric supplier a certification from a qualified professional electrician or
144 engineer that the installation meets the requirements of subdivision (1) of
145 subsection 6 of this section. If the application for interconnection is approved by
146 the retail electric supplier and the customer-generator does not complete the
147 interconnection within one year after receipt of notice of the approval, the
148 approval shall expire and the customer-generator shall be responsible for filing
149 a new application.

150 (2) Upon the change in ownership of a qualified electric energy generation
151 unit, the new customer-generator shall be responsible for filing a new application
152 under subdivision (1) of this subsection.

153 8. Each commission-regulated supplier shall submit an annual net
154 metering report to the commission, and all other nonregulated suppliers shall
155 submit the same report to their respective governing body and make said report
156 available to a consumer of the supplier upon request, including the following
157 information for the previous calendar year:

158 (1) The total number of customer-generator facilities;

159 (2) The total estimated generating capacity of its net-metered
160 customer-generators; and

161 (3) The total estimated net kilowatt-hours received from
162 customer-generators.

163 9. The commission shall, within nine months of January 1, 2008,
164 promulgate initial rules necessary for the administration of this section for public
165 utilities, which shall include regulations ensuring that simple contracts will be
166 used for interconnection and net metering. For systems of ten kilowatts or less,
167 the application process shall use an all-in-one document that includes a simple
168 interconnection request, simple procedures, and a brief set of terms and
169 conditions. Any rule or portion of a rule, as that term is defined in section
170 536.010, that is created under the authority delegated in this section shall
171 become effective only if it complies with and is subject to all of the provisions of

chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

10. The governing body of a rural electric cooperative or municipal utility shall, within nine months of January 1, 2008, adopt policies establishing a simple contract to be used for interconnection and net metering. For systems of ten kilowatts or less, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures, and a brief set of terms and conditions.

11. For any cause of action relating to any damages to property or person caused by the generation unit of a customer-generator or the interconnection thereof, the retail electric supplier shall have no liability absent clear and convincing evidence of fault on the part of the supplier.

12. The estimated generating capacity of all net metering systems operating under the provisions of this section shall count towards the respective retail electric supplier's accomplishment of any renewable energy portfolio target or mandate adopted by the Missouri general assembly.

13. The sale of qualified electric generation units to any customer-generator shall be subject to the provisions of sections 407.700 to 407.720. The attorney general shall have the authority to promulgate in accordance with the provisions of chapter 536 rules regarding mandatory disclosures of information by sellers of qualified electric generation units. Any interested person who believes that the seller of any electric generation unit is misrepresenting the safety or performance standards of any such systems, or who believes that any electric generation unit poses a danger to any property or person, may report the same to the attorney general, who shall be authorized to investigate such claims and take any necessary and appropriate actions.

14. Any costs incurred under this act by a retail electric supplier shall be recoverable in that utility's rate structure.

15. No consumer shall connect or operate an electric generation unit in parallel phase and synchronization with any retail electric supplier without written approval by said supplier that all of the requirements under subdivision (1) of subsection 7 of this section have been met. For a consumer who violates

208 this provision, a supplier may immediately and without notice disconnect the
209 electric facilities of said consumer and terminate said consumer's electric service.

210 16. The manufacturer of any electric generation unit used by a
211 customer-generator may be held liable for any damages to property or person
212 caused by a defect in the electric generation unit of a customer-generator.

213 17. The seller, installer, or manufacturer of any electric generation unit
214 who knowingly misrepresents the safety aspects of an electric generation unit
215 may be held liable for any damages to property or person caused by the electric
216 generation unit of a customer-generator.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

393.1025. As used in sections 393.1020 to 393.1030, the following terms
2 mean:

3 (1) "Commission", the public service commission;

4 (2) "Department", the department of [natural resources] **economic**
5 **development**;

6 (3) "Electric utility", any electrical corporation as defined by section
7 386.020;

8 (4) "Renewable energy credit" or "REC", a tradeable certificate of proof
9 that one megawatt-hour of electricity has been generated from renewable energy
10 sources; and

11 (5) "Renewable energy resources", electric energy produced from wind,
12 solar thermal sources, photovoltaic cells and panels, dedicated crops grown for
13 energy production, cellulosic agricultural residues, plant residues, methane from
14 landfills, from agricultural operations, or from wastewater treatment, thermal
15 depolymerization or pyrolysis for converting waste material to energy, clean and
16 untreated wood such as pallets, hydropower (not including pumped storage) that
17 does not require a new diversion or impoundment of water and that has a
18 nameplate rating of ten megawatts or less, fuel cells using hydrogen produced by
19 one of the above-named renewable energy sources, and other sources of energy not
20 including nuclear that become available after November 4, 2008, and are certified
21 as renewable by rule by the department.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

393.1030. 1. The commission shall, in consultation with the department,
2 prescribe by rule a portfolio requirement for all electric utilities to generate or
3 purchase electricity generated from renewable energy resources. Such portfolio
4 requirement shall provide that electricity from renewable energy resources shall
5 constitute the following portions of each electric utility's sales:

- 6 (1) No less than two percent for calendar years 2011 through 2013;
- 7 (2) No less than five percent for calendar years 2014 through 2017;
- 8 (3) No less than ten percent for calendar years 2018 through 2020; and
- 9 (4) No less than fifteen percent in each calendar year beginning in 2021.

10 At least two percent of each portfolio requirement shall be derived from solar
11 energy. The portfolio requirements shall apply to all power sold to Missouri
12 consumers whether such power is self-generated or purchased from another
13 source in or outside of this state. A utility may comply with the standard in
14 whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy
15 generated in Missouri shall count as 1.25 kilowatt-hours for purposes of
16 compliance.

17 2. The commission, in consultation with the department and within one
18 year of November 4, 2008, shall select a program for tracking and verifying the
19 trading of renewable energy credits. An unused credit may exist for up to three
20 years from the date of its creation. A credit may be used only once to comply with
21 sections 393.1020 to 393.1030 and may not also be used to satisfy any similar
22 nonfederal requirement. An electric utility may not use a credit derived from a
23 green pricing program. Certificates from net-metered sources shall initially be
24 owned by the customer-generator. The commission, except where the department
25 is specified, shall make whatever rules are necessary to enforce the renewable
26 energy standard. Such rules shall include:

- 27 (1) A maximum average retail rate increase of one percent determined by
28 estimating and comparing the electric utility's cost of compliance with least-cost
29 renewable generation and the cost of continuing to generate or purchase
30 electricity from entirely nonrenewable sources, taking into proper account future
31 environmental regulatory risk including the risk of greenhouse gas
32 regulation. Notwithstanding the foregoing, until June 30, 2020, if the maximum
33 average retail rate increase would be less than or equal to one percent if an
34 electric utility's investment in solar-related projects initiated, owned or operated
35 by the electric utility is ignored for purposes of calculating the increase, then
36 additional solar rebates shall be paid and included in rates in an amount up to

37 the amount that would produce a retail rate increase equal to the difference
38 between a one percent retail rate increase and the retail rate increase calculated
39 when ignoring an electric utility's investment in solar-related projects initiated,
40 owned, or operated by the electric utility. Notwithstanding any provision to the
41 contrary in this section, even if the payment of additional solar rebates will
42 produce a maximum average retail rate increase of greater than one percent when
43 an electric utility's investment in solar-related projects initiated, owned or
44 operated by the electric utility are included in the calculation, the additional
45 solar rebate costs shall be included in the prudently incurred costs to be
46 recovered as contemplated by subdivision (4) of this subsection;

47 (2) Penalties of at least twice the average market value of renewable
48 energy credits for the compliance period for failure to meet the targets of
49 subsection 1 of this section. An electric utility will be excused if it proves to the
50 commission that failure was due to events beyond its reasonable control that
51 could not have been reasonably mitigated, or that the maximum average retail
52 rate increase has been reached. Penalties shall not be recovered from
53 customers. Amounts forfeited under this section shall be remitted to the
54 department to purchase renewable energy credits needed for compliance. Any
55 excess forfeited revenues shall be used by the [department's energy center]
56 **division of energy** solely for renewable energy and energy efficiency projects;

57 (3) Provisions for an annual report to be filed by each electric utility in
58 a format sufficient to document its progress in meeting the targets;

59 (4) Provision for recovery outside the context of a regular rate case of
60 prudently incurred costs and the pass-through of benefits to customers of any
61 savings achieved by an electrical corporation in meeting the requirements of this
62 section.

63 3. As provided for in this section, except for those electrical corporations
64 that qualify for an exemption under section 393.1050, each electric utility shall
65 make available to its retail customers a solar rebate for new or expanded solar
66 electric systems sited on customers' premises, up to a maximum of twenty-five
67 kilowatts per system, measured in direct current that were confirmed by the
68 electric utility to have become operational in compliance with the provisions of
69 section 386.890. The solar rebates shall be two dollars per watt for systems
70 becoming operational on or before June 30, 2014; one dollar and fifty cents per
71 watt for systems becoming operational between July 1, 2014, and June 30, 2015;
72 one dollar per watt for systems becoming operational between July 1, 2015, and

73 June 30, 2016; fifty cents per watt for systems becoming operational between July
74 1, 2016, and June 30, 2017; fifty cents per watt for systems becoming operational
75 between July 1, 2017, and June 30, 2019; twenty-five cents per watt for systems
76 becoming operational between July 1, 2019, and June 30, 2020; and zero cents per
77 watt for systems becoming operational after June 30, 2020. An electric utility
78 may, through its tariffs, require applications for rebates to be submitted up to one
79 hundred eighty-two days prior to the June thirtieth operational date. Nothing in
80 this section shall prevent an electrical corporation from offering rebates after July
81 1, 2020, through an approved tariff. If the electric utility determines the
82 maximum average retail rate increase provided for in subdivision (1) of subsection
83 2 of this section will be reached in any calendar year, the electric utility shall be
84 entitled to cease paying rebates to the extent necessary to avoid exceeding the
85 maximum average retail rate increase if the electrical corporation files with the
86 commission to suspend its rebate tariff for the remainder of that calendar year
87 at least sixty days prior to the change taking effect. The filing with the
88 commission to suspend the electrical corporation's rebate tariff shall include the
89 calculation reflecting that the maximum average retail rate increase will be
90 reached and supporting documentation reflecting that the maximum average
91 retail rate increase will be reached. The commission shall rule on the suspension
92 filing within sixty days of the date it is filed. If the commission determines that
93 the maximum average retail rate increase will be reached, the commission shall
94 approve the tariff suspension. The electric utility shall continue to process and
95 pay applicable solar rebates until a final commission ruling; however, if the
96 continued payment causes the electric utility to pay rebates that cause it to
97 exceed the maximum average retail rate increase, the expenditures shall be
98 considered prudently incurred costs as contemplated by subdivision (4) of
99 subsection 2 of this section and shall be recoverable as such by the electric utility.
100 As a condition of receiving a rebate, customers shall transfer to the electric utility
101 all right, title, and interest in and to the renewable energy credits associated with
102 the new or expanded solar electric system that qualified the customer for the
103 solar rebate for a period of ten years from the date the electric utility confirmed
104 that the solar electric system was installed and operational.

105 4. The department shall, in consultation with the commission, establish
106 by rule a certification process for electricity generated from renewable resources
107 and used to fulfill the requirements of subsection 1 of this section. Certification
108 criteria for renewable energy generation shall be determined by factors that

109 include fuel type, technology, and the environmental impacts of the generating
110 facility. Renewable energy facilities shall not cause undue adverse air, water, or
111 land use impacts, including impacts associated with the gathering of generation
112 feedstocks. If any amount of fossil fuel is used with renewable energy resources,
113 only the portion of electrical output attributable to renewable energy resources
114 shall be used to fulfill the portfolio requirements.

115 5. In carrying out the provisions of this section, the commission and the
116 department shall include methane generated from the anaerobic digestion of farm
117 animal waste and thermal depolymerization or pyrolysis for converting waste
118 material to energy as renewable energy resources for purposes of this section.

119 6. The commission shall have the authority to promulgate rules for the
120 implementation of this section, but only to the extent such rules are consistent
121 with, and do not delay the implementation of, the provisions of this section. Any
122 rule or portion of a rule, as that term is defined in section 536.010, that is created
123 under the authority delegated in this section shall become effective only if it
124 complies with and is subject to all of the provisions of chapter 536 and, if
125 applicable, section 536.028. This section and chapter 536 are nonseverable and
126 if any of the powers vested with the general assembly pursuant to chapter 536 to
127 review, to delay the effective date, or to disapprove and annul a rule are
128 subsequently held unconstitutional, then the grant of rulemaking authority and
129 any rule proposed or adopted after August 28, 2013, shall be invalid and void.

EXPLANATION: SUBSECTION 8 OF THIS SECTION EXPIRED 09-01-14:

407.485. 1. It shall be an unfair business practice in violation of section
2 407.020 for a for-profit entity or natural person to collect unwanted household
3 items via a public receptacle and resell the deposited items for profit unless the
4 deposited item receptacle prominently displays a statement in bold letters at least
5 two inches high and two inches wide stating: "DEPOSITED ITEMS ARE NOT
6 FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR
7 PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE."

8 2. It shall be an unfair business practice in violation of section 407.020
9 for a for-profit entity or natural person to collect donations of unwanted
10 household items via a public receptacle and resell the donated items where some
11 or all of the proceeds from the sale are directly given to a not-for-profit entity
12 unless the donation receptacle prominently displays a statement in bold letters
13 at least two inches high and two inches wide stating: "DONATIONS TO THE
14 FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND

15 (% of proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE
16 DONATED TO (name of the nonprofit beneficiary organization's name).".

17 3. It shall be an unfair business practice in violation of section 407.020
18 for a for-profit entity or natural person to collect donations of unwanted
19 household items via a public receptacle and resell the donated items, where such
20 for-profit entity is paid a flat fee, not contingent upon the proceeds generated by
21 the sale of the collected goods, and one hundred percent of the proceeds from the
22 sale of the items are given directly to the not-for-profit, unless the donation
23 receptacle prominently displays a statement in bold letters at least two inches
24 high and two inches wide stating: "THIS DONATION RECEPTACLE IS
25 OPERATED BY THE FOR-PROFIT ENTITY: (name of the for-profit/individual)
26 ON BEHALF OF (name of the nonprofit beneficiary organization's name).".

27 4. It shall be an unfair business practice in violation of section 407.020
28 for a not-for-profit entity to collect donations of unwanted household items via a
29 public receptacle and resell the donated items unless the donation receptacle
30 prominently displays a statement in bold letters at least two inches high and two
31 inches wide stating: "THIS RECEPTACLE IS OWNED AND OPERATED BY
32 THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity) AND (%
33 of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE
34 SALE OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE
35 MISSION OF (charity name/charitable cause).".

36 5. The term "bold letters" as used in subsections 1, 2, and 3 of this section
37 shall mean a primary color on a white background so as to be clearly visible to
38 the public.

39 6. Nothing in this section shall apply to paper, glass, or aluminum
40 products that are donated for the purpose of being recycled in the manufacture
41 of other products.

42 7. All receptacles described in this section shall conspicuously display the
43 name, address, and telephone number of the owner and operator of the
44 receptacle. The owner or operator of the receptacle shall maintain permission to
45 place the receptacle on the property from the property owner or his or her agent
46 where the receptacle is located. Such permission shall be in writing and clearly
47 identify the owner of the receptacle and property owner or his or her agent in
48 addition to the nature of the collections and where proceeds will be
49 accrued. Failure to secure such permission shall constitute an unfair business
50 practice in addition to any other statutory conditions. Unless otherwise agreed

51 upon in writing, the property owner or his or her agent may remove the
52 receptacle. Any charges incurred in such removal shall be the responsibility of
53 the owner of the receptacle. Unless the receptacle owner pays such charges
54 within thirty calendar days of the sending of a written certified letter from the
55 property owner stating his or her intent to remove the receptacle, the receptacle
56 owner shall relinquish any right to the receptacle. If the receptacle does not
57 conspicuously display the name, address, and telephone number of the owner and
58 operator of the receptacle, the receptacle shall be considered abandoned property
59 and may be destroyed or permanently possessed by the property owner or their
60 agent.

61 [8. Any owner and operator of a receptacle that does not display the
62 address of the owner and operator, but does display the website of the owner and
63 operator, shall make the address easily accessible on such website for the
64 property owner to send the letter specified in subsection 7 of this section. The
65 provisions of this subsection shall expire on September 1, 2014.]

EXPLANATION: THE DEPARTMENT REFERENCES IN THESE SECTIONS
ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

414.400. 1. As used in sections 414.400 to 414.417, the following terms
2 mean:

3 (1) "Alternative fuel", any fuel, including any alcohol fuel containing
4 eighty-five percent or more by volume of such alcohol or other such percentage not
5 less than seventy percent if determined by the United States Department of
6 Energy by rule to be necessary to provide for the requirements of cold start,
7 safety, or vehicle functions, natural gas, liquefied petroleum gas, any fuel other
8 than alcohol derived from biological materials when designated by the United
9 States Department of Energy as an alternative fuel, and hydrogen, or any power
10 source, including electricity, and any other fuel that the United States
11 Department of Energy determines by final rule is substantially not petroleum and
12 would yield substantial energy security and environmental benefits, used in a
13 vehicle that complies with the standards and requirements applicable to such
14 vehicle pursuant to sections 414.400 to 414.417 when using such fuel or power
15 source;

16 (2) "CAFE standard", the federal Corporate Average Fuel Economy
17 standard, 15 U.S.C. 2002 or 40 CFR Parts 86 and 600 or 49 CFR Part 538 or
18 proposed rule 49 CFR Part 538 until such rule is finalized;

19 (3) "Department", the department of [natural resources] **economic**
20 **development**;

21 (4) "Director", the director of the department of [natural resources]
22 **economic development**;

23 (5) "State agency", the same meaning as such term is defined in section
24 536.010;

25 (6) "Vehicle fleet", any fleet comprised of vehicles with a manufacturer's
26 gross vehicle weight rating of not more than eight thousand five hundred pounds
27 registered for operation on the highways of this state pursuant to chapter 301.

28 2. The department in consultation with the commissioner of
29 administration shall develop and implement a program to manage and
30 progressively reduce state agency vehicle fleet fuel consumption and promote the
31 use of alternative fuels. The program shall require state agencies to meet
32 minimum guidelines for efficient fleet management. Such guidelines shall be
33 updated and revised every two years and shall require the overall vehicle fleet
34 fuel efficiency for each agency to meet or exceed the fuel efficiency that would be
35 achieved if each vehicle in the agency's fleet met the CAFE standard. The
36 department may promulgate rules necessary to implement such
37 guidelines. Further, provided that suppliers or state agencies have or can
38 reasonably be expected to have established alternative fuel refueling stations as
39 needed, the program shall require that at least thirty percent of all motor fuel
40 purchased annually for use in alternative fuel vehicles, calculated in gasoline
41 gallon equivalents, to be alternative fuel by July 1, 2001. Any alternative fuel
42 purchased by a state agency for use in vehicles not included in their vehicle fleet
43 as defined in subsection 1 of this section, calculated in gasoline gallon
44 equivalents, may be credited toward the annual alternative fuel purchase
45 goal. The program shall systematically replace existing state-owned vehicles and
46 vehicles paid for with any state money, including vehicles purchased by the
47 university system, with vehicles manufactured, assembled or produced in the
48 United States, as required by sections 34.350 to 34.359.

49 3. The commissioner of administration shall identify specific vehicle
50 models within each vehicle procurement class that meet or exceed the CAFE
51 standard. State agencies shall identify specific vehicle models within each vehicle
52 procurement class that have a life cycle cost which is less than or equal to the
53 average life cycle cost of those vehicles in the class which are manufactured,
54 assembled or produced in the United States. Life cycle costs shall include but are

55 not limited to the original cost of the vehicle, conversion cost if applicable, costs
56 associated with vehicle emissions to the extent that such statistics are available,
57 and projected cost of operation, including fuel cost and maintenance and salvage
58 value to the extent that reliable maintenance and salvage value statistics are
59 available. Unless a state agency submits to the department a fleet efficiency plan
60 that complies with the minimum guidelines for energy efficiency established
61 pursuant to subsection 2 of this section, or unless otherwise approved by the
62 office of administration pursuant to subsection 4 of this section, all purchases of
63 vehicles for state agency vehicle fleets shall meet the above standards.

64 4. The commissioner of administration may waive the CAFE standard
65 requirements of subsection 3 of this section, for only those vehicles which satisfy
66 one or more of the following conditions, for any state agency upon receipt of
67 documentation that has been certified by the director of the state agency as
68 satisfying one or more of the following conditions:

69 (1) Such vehicles are used primarily in off-road, construction, or road
70 maintenance applications;

71 (2) Such vehicles are regularly used in the movement of maintenance or
72 construction equipment;

73 (3) Such vehicles are trucks or utility vehicles as defined by the office of
74 administration that are regularly used to transport trailers for the purpose of
75 moving state equipment; or

76 (4) Such vehicles are vehicles with manufacturer-stated seating capacity
77 exceeding that for six persons and the director of the agency has certified that the
78 vehicle will be used to transport its rated capacity in persons and/or
79 cargo. Agencies which are granted such waivers shall comply with the planning
80 requirements of section 414.403.

81 5. The purchase of all class III vehicles, as defined by the office of
82 administration, shall be approved through the appropriations process for all
83 departments except the highway patrol. The provisions of this subsection shall
84 not apply to the purchase of used vehicles from the highway patrol.

414.406. 1. The director of the department of [natural resources]
2 **economic development** shall review each agency's vehicle fleet plan and the
3 vehicular demands of the agency by vehicle class. The office of administration
4 shall only purchase for an agency those vehicles which conform to the agency's
5 plan as outlined in sections 414.400 and 414.403.

6 2. Each state agency shall annually file a report with the director of the

7 department of [natural resources] **economic development** on forms provided
8 by the department showing its progress in achieving the requirements and goals
9 of sections 414.400 to 414.417. The director of the department of [natural
10 resources] **economic development** shall compile such information into an
11 annual report and submit such report to the commissioner of administration, the
12 secretary of the senate, the clerk of the house of representatives and the
13 chairman of each committee of jurisdiction of the general assembly.

14 3. The director's report shall document progress in achieving the
15 requirements and goals of sections 414.400 to 414.417 and shall include, but not
16 be limited to, annual fuel consumption, number of vehicles, vehicle miles traveled,
17 average fleet fuel economy, estimated cost savings and state use of alternative
18 fuels.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE
INTERSECTIONAL REFERENCE IN SUBSECTION 3:

414.412. 1. The director may reduce any percentage specified or waive the
2 requirement of subsection 3 of section 414.410 for any state agency upon receipt
3 of certification supported by evidence acceptable to the director that:

4 (1) The agency's vehicles will be operating primarily in an area in which
5 neither the agency nor a supplier has or can reasonably be expected to have a
6 central refueling station for alternative fuels; or

7 (2) The agency is unable to acquire or operate vehicles within the cost
8 limitations of section 414.400 or section 414.415; or

9 (3) The use of alternative fuels would not meet the energy conservation
10 and exhaust emissions reduction criteria of subsection 2 of section 414.410.

11 2. State agencies shall submit information describing the acquisition and
12 use of vehicles capable of using alternative fuels to the department in a format
13 prescribed by the department. The report shall include for each vehicle model
14 capable of using alternative fuel:

15 (1) The types of alternative fuels used;

16 (2) The number of miles traveled using alternative fuels and the ratios to
17 the total numbers of miles traveled;

18 (3) The number of vehicles owned which are capable of using alternative
19 fuels;

20 (4) Maintenance costs.

21 3. Each state-owned vehicle equipped to operate on gasoline, other than
22 vehicles using alternative fuel, shall use a fuel ethanol blend as defined in section

23 [142.027] **142.028**, when available at a competitive price, as its motor fuel, unless
24 the United States Environmental Protection Agency, or the governor by executive
25 order, promulgates rules which prohibit, limit or otherwise regulate the use of
26 ethanol-blended fuels in ozone nonattainment areas, as defined by Section 107 of
27 the federal Clean Air Act, as amended, or in an area designated as a maintenance
28 area for ozone under Section 175A of the federal Clean Air Act, as amended,
29 state-owned vehicles shall not be required to use a fuel ethanol blend.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

414.417. 1. Sections 414.400 to 414.417 shall not apply to the purchase
2 or lease of a vehicle to be used primarily for criminal law enforcement or to the
3 purchase or lease of a motorcycle, all-terrain vehicle, ambulance, or any type of
4 vehicle for which the Environmental Protection Agency has not published fuel
5 economy comparisons.

6 2. Notwithstanding the provisions of sections 414.400 to 414.417, the
7 department of natural resources **and the department of economic**
8 **development** may acquire vehicles which use alternative fuels for the purposes
9 of assessing and demonstrating either or both alternative vehicles and alternative
10 fuels.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

414.510. As used in sections 414.500 to 414.590, the following terms
2 mean:

3 (1) "Council", the Missouri propane education and research council created
4 pursuant to section 414.530;

5 (2) "Director", the director of the division of energy of the department of
6 [natural resources] **economic development** or the director's designee;

7 (3) "Education", any action to provide information on propane, propane
8 use equipment, mechanical and technical practices, and propane uses to
9 consumers and to members of the propane industry;

10 (4) "Manufacturers and distributors of LP-gas use equipment", any person
11 or firm engaged in the manufacturing, assembling and marketing of appliances,
12 containers and products used in the LP-gas industry, and those persons and firms
13 in the wholesale marketing of appliances, containers and products used in the

14 LP-gas industry;

15 (5) "Marketing", any action taken by the council to present positive
16 information about propane to the public, including paid promotional advertising;

17 (6) "Person", any individual, group of individuals, partnership,
18 association, cooperative, corporation, or any other entity;

19 (7) "Producer", the owner of the propane at the time it is recovered at a
20 manufacturing facility, irrespective of the state where production occurs;

21 (8) "Propane" includes propane, butane, mixtures, and liquefied petroleum
22 gas as defined by the National Fire Protection Association Standard 58 for the
23 storage and handling of liquefied petroleum gases;

24 (9) "Public member", a member of the council selected from among
25 significant users of odorized propane, organizations representing significant users
26 of odorized propane, public safety officials, state propane gas regulatory officials,
27 or voluntary standard-setting organizations;

28 (10) "Qualified industry organization", the National Propane Gas
29 Association, the Missouri Propane Gas Association, the Gas Processors
30 Association, or a successor association;

31 (11) "Research", any type of study, investigation or other activity designed
32 to advance the image, desirability, usage, marketability, efficiency and safety of
33 propane and propane use equipment, and to further the development of such
34 information and products;

35 (12) "Retail marketer", a business engaged primarily in the selling of
36 propane gas, its appliances and equipment to the ultimate consumer or to retail
37 propane dispensers;

38 (13) "Transporter", any person involved in the commercial transportation
39 of propane by pipeline, truck, rail or water;

40 (14) "Wholesaler" or "reseller", a seller of propane who is not a producer
41 and who does not sell propane to the ultimate consumer.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE AND THE TRANSFER OF THE SECTION TO THE APPROPRIATE
CHAPTER IS NECESSARY BASED ON THE DEPARTMENTAL
REORGANIZATION IN EXECUTIVE ORDER 13-03:

[640.150.] **620.035.** 1. The department of [natural resources] **economic**
2 **development** shall be vested with the powers and duties prescribed by law and
3 shall have the power to carry out the following activities:

4 (1) Assessing the impact of national energy policies on this state's supply

5 and use of energy and this state's public health, safety and welfare;

6 (2) Consulting and cooperating with all state and federal governmental
7 agencies, departments, boards and commissions and all other interested agencies
8 and institutions, governmental and nongovernmental, public and private, on
9 matters of energy research and development, management, conservation and
10 distribution;

11 (3) The monitoring and analyzing of all federal, state, local and
12 voluntarily disclosed private sector energy research projects and voluntarily
13 disclosed private sector energy related data and information concerning supply
14 and consumption, in order to plan for the future energy needs of this state. All
15 information gathered shall be maintained, revised and updated as an aid to any
16 interested person, foundation or other organization, public or private;

17 (4) Analyzing the potential for increased utilization of coal, nuclear, solar,
18 resource recovery and reuse, landfill gas, projects to reduce and capture methane
19 and other greenhouse gas emissions from landfills, energy efficient technologies
20 and other energy alternatives, and making recommendations for the expanded use
21 of alternate energy sources and technologies;

22 (5) Entering into cooperative agreements with other states, political
23 subdivisions, private entities, or educational institutions for the purpose of
24 seeking and securing federal grants for the department and its partners in the
25 grants;

26 (6) The development and promotion of state energy conservation
27 programs, including:

28 (a) Public education and information in energy-related areas;

29 (b) Developing energy efficiency standards for agricultural and industrial
30 energy use and for new and existing buildings, to be promoted through technical
31 assistance efforts by cooperative arrangements with interested public, business
32 and civic groups and by cooperating with political subdivisions of this state;

33 (c) Preparing plans for reducing energy use in the event of an energy or
34 other resource supply emergency.

35 2. No funds shall be expended to implement the provisions of this section
36 until funds are specifically appropriated for that purpose. In order to carry out
37 its responsibilities under this section, the department may expend any such
38 appropriated funds by entering into agreements, contracts, grants, subgrants, or
39 cooperative arrangements under various terms and conditions in the best interest
40 of the state with other state, federal, or interstate agencies, political subdivisions,

41 not-for-profit entities or organizations, educational institutions, or other entities,
42 both public and private, to carry out its responsibilities.

EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:

620.511. 1. There is hereby established the ["Missouri Workforce
2 Investment Board",] **"Missouri Workforce Development Board", formerly**
3 **known as the Missouri workforce investment board, and** hereinafter
4 referred to as "the board" in sections 620.511 to 620.513.

5 2. The purpose of the board is to provide workforce investment activities,
6 through statewide and local workforce investment systems, that increase the
7 employment, retention, and earnings of participants, and increase occupational
8 skill attainment by participants, and, as a result, improve the quality of the
9 workforce, reduce welfare dependency, and enhance the productivity and
10 competitiveness of the state of Missouri. The board shall be the state's advisory
11 board pertaining to workforce preparation policy.

12 3. The board shall meet the requirements of the federal [Workforce
13 Investment Act of 1998, hereinafter referred to as the "WIA", P.L. 105-220]
14 **Workforce Innovation and Opportunity Act of 2014, hereinafter referred**
15 **to as the "WIOA", P.L. 113-128,** as amended. Should another federal law
16 supplant the [WIA] **WIOA**, all references in sections 620.511 to 620.513 to the
17 [WIA] **WIOA** shall apply as well to the new federal law.

18 4. Composition of the board shall comply with the [WIA] **WIOA**. Board
19 members appointed by the governor shall be subject to the advice and consent of
20 the senate. Consistent with the requirements of the [WIA] **WIOA**, the governor
21 shall designate one member of the board to be its chairperson.

22 5. [Except as otherwise provided in subsection 6 of this section,] Each
23 member of the board shall serve for a term of four years, subject to the pleasure
24 of the governor, and until a successor is duly appointed. In the event of a
25 vacancy on the board, the vacancy shall be filled in the same manner as the
26 original appointment and said replacement shall serve the remainder of the
27 original appointee's unexpired term.

28 6. Of the members initially appointed to the **WIOA, formerly known as**
29 **the WIA**, board, one-fourth shall be appointed for a term of four years, one-fourth
30 shall be appointed for a term of three years, one-fourth shall be appointed for a
31 term of two years, and one-fourth shall be appointed for a term of one year.

32 7. **WIOA** board members shall receive no compensation, but shall be
33 reimbursed for all necessary expenses actually incurred in the performance of

34 their duties.

EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:

620.512. 1. The board shall establish bylaws governing its organization,
2 operation, and procedure consistent with sections 620.511 to 620.513, and
3 consistent with the [WIA] **WIOA**.

4 2. The board shall meet at least four times each year at the call of the
5 chairperson.

6 3. In order to assure objective management and oversight, the board shall
7 not operate programs or provide services directly to eligible participants, but
8 shall exist solely to plan, coordinate, and monitor the provisions of such programs
9 and services. A member of the board may not vote on a matter under
10 consideration by the board that regards the provision of services by the member
11 or by an entity that the member represents or would provide direct financial
12 benefit to the member or the immediate family of the member. A member of the
13 board may not engage in any other activity determined by the governor to
14 constitute a conflict of interest.

15 4. The composition and the roles and responsibilities of the board
16 membership may be amended to comply with any succeeding federal or state
17 legislative or regulatory requirements governing workforce investment activities,
18 except that the procedure for such change shall be outlined in state rules and
19 regulations and adopted in the bylaws of the board.

20 5. The department of economic development shall provide professional,
21 technical, and clerical staff for the board.

22 6. The board may promulgate any rules and regulations necessary to
23 administer the provisions of sections 620.511 to 620.513. Any rule or portion of
24 a rule, as that term is defined in section 536.010, that is created under the
25 authority delegated in this section shall become effective only if it complies with
26 and is subject to all of the provisions of chapter 536 and, if applicable, section
27 536.028. This section and chapter 536 are nonseverable and if any of the powers
28 vested with the general assembly pursuant to chapter 536 to review, to delay the
29 effective date, or to disapprove and annul a rule are subsequently held
30 unconstitutional, then the grant of rulemaking authority and any rule proposed
31 or adopted after August 28, 2007, shall be invalid and void.

EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:

620.513. 1. The board shall assist the governor with the functions
2 described in [Section 111(d) of the WIA 29 U.S.C. 2821d] **Section 101(d) of the**

3 **WIOA, 29 U.S.C. Section 311d**, and any regulations issued pursuant to the
4 **[WIA] WIOA.**

5 2. The board shall submit an annual report of its activities to the
6 governor, the speaker of the house of representatives, and the president pro tem
7 of the senate no later than January thirty-first of each year.

8 3. Nothing in sections 620.511 to 620.513 shall be construed to require or
9 allow the board to assume or supersede the statutory authority granted to, or
10 impose any duties or requirements on, the state coordinating board for higher
11 education, the governing boards of the state's public colleges and universities, the
12 state board of education, or any local educational agencies.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

640.153. 1. As used in this section, the following terms mean:

2 (1) "Applicant", an entity that applies to the department for certification
3 as a qualified home energy auditor;

4 (2) "Department", the department of **[natural resources] economic**
5 **development;**

6 (3) "Qualified home energy audit", a home energy audit conducted by an
7 entity certified by the department as a qualified home energy auditor, the
8 purpose of which is to provide energy efficiency recommendations that will reduce
9 the energy use or the utility costs, or both, of a residential or commercial
10 building;

11 (4) "Qualified home energy auditor", an applicant who has met the
12 certification requirements established by the department and whose certification
13 has been approved by the department.

14 2. The department shall develop criteria and requirements for certification
15 of qualified home energy auditors. Any applicant shall provide the department
16 with an application, documentation, or other information as the department may
17 require. The department may establish periodic requirements for qualified home
18 energy auditors to maintain certification.

19 3. The department shall provide successful applicants with written notice
20 that the applicant meets the certification requirements.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

640.155. 1. Any energy information which is voluntarily reported or
2 conveyed to **the department of economic development or** the Missouri
3 department of natural resources shall be considered confidential and shall be
4 exempt upon written request and for a specific period to be determined by mutual
5 consent from public disclosure that would reveal information traceable to a
6 private firm, partnership, public corporation, or individual.

7 2. As used in this section, the term "energy information" includes that
8 information received in whatever form on the fuel reserves, exploration,
9 extraction, production, refining, distribution, consumption, costs, prices, capital
10 investments, and other matters directly related to a private firm, partnership,
11 public corporation, or individual.

12 3. In addition to any other penalty provided by law, any officer or
13 employee of the department of natural resources **or the department of**
14 **economic development** who, in violation of the provisions of this section,
15 divulges any information considered confidential under this section shall be guilty
16 of a class A misdemeanor, and such divulgence shall be grounds for the summary
17 dismissal of such officer or employee, other provisions of law notwithstanding.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

640.157. The [energy center of the department of natural resources]
2 **division of energy of the department of economic development** shall
3 serve as a central point of coordination for activities relating to energy
4 sustainability in the state. As such, the **division of** energy [center] shall:

5 (1) Consult and cooperate with other state agencies to serve as a technical
6 advisor on sustainability issues, including but not limited to renewable energy
7 use and green building design and construction;

8 (2) Provide technical assistance to local governments, businesses, schools,
9 and homeowners on sustainability issues, including but not limited to renewable
10 energy use and green building design and construction; and

11 (3) Conduct outreach and education efforts, which may be in coordination
12 with community action agencies, for the purpose of informing the general public
13 about financial assistance opportunities for energy conservation, including but not
14 limited to tax incentives.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN

EXECUTIVE ORDER 13-03:

640.160. 1. There is hereby created in the state treasury the "Energy Futures Fund" which shall consist of money appropriated by the general assembly or received from gifts, bequests, donations, or from the federal government. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. Upon appropriation, the department of [natural resources] **economic development** may use moneys in the fund created under this section for the purposes of carrying out the provisions of sections 640.150 to 640.160 including, but not limited to, energy efficiency programs, energy studies, energy resource analyses, or energy projects. After appropriation, the department may also expend funds for the administration and management of energy responsibilities and activities associated with projects and studies funded from the energy futures fund.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

640.651. As used in sections 640.651 to 640.686, the following terms mean:

(1) "Applicant", any school, hospital, small business, local government or other energy-using sector or entity authorized by the department through administrative rule, which submits an application for loans or financial assistance to the department;

(2) "Application cycle", the period of time each year, as determined by the department, that the department shall accept and receive applications seeking loans or financial assistance under the provisions of sections 640.651 to 640.686;

(3) "Authority", the environmental improvement and energy resources authority;

(4) "Borrower", a recipient of loan or other financial assistance program funds subsequent to the execution of loan or financial assistance documents with the department or other applicable parties provided that a building owned by the

15 state or an agency thereof other than a state college or state university, shall not
16 be eligible for loans or financial assistance pursuant to sections 640.651 to
17 640.686;

18 (5) "Building", including initial installation in a new building, any
19 applicant-owned and -operated structure, group of closely situated structural
20 units that are centrally metered or served by a central utility plant, or an eligible
21 portion thereof, which includes a heating or cooling system, or both;

22 (6) "Department", the department of [natural resources] **economic**
23 **development**;

24 (7) "Energy conservation loan account", an account to be established on
25 the books of a borrower for purposes of tracking information related to the receipt
26 or expenditure of the loan funds or financial assistance, and to be used to receive
27 and remit energy cost savings for purposes of making payments on the loan or
28 financial assistance;

29 (8) "Energy conservation measure" or "ECM", an installation or
30 modification of an installation in a building or replacement or modification to an
31 energy-consuming process or system which is primarily intended to maintain or
32 reduce energy consumption and reduce energy costs, or allow the use of an
33 alternative or renewable energy source;

34 (9) "Energy conservation project" or "project", the design, acquisition,
35 installation, and implementation of one or more energy conservation measures;

36 (10) "Energy cost savings" or "savings", the value, in terms of dollars, that
37 has or is estimated to accrue from energy savings or avoided costs due to
38 implementation of an energy conservation project;

39 (11) "Estimated simple payback", the estimated cost of a project divided
40 by the estimated energy cost savings;

41 (12) "Fund", the energy set-aside program fund established in section
42 640.665;

43 (13) "Hospital", a facility as defined in subsection 2 of section 197.020,
44 including any medical treatment or related facility controlled by a hospital board;

45 (14) "Hospital board", the board of directors having general control of the
46 property and affairs of the hospital facility;

47 (15) "Loan agreement", a document agreed to by the borrower's school,
48 hospital or corporate board, principals of a business, the governing body of a local
49 government or other authorized officials and the department or other applicable
50 parties and signed by the authorized official thereof, that details all terms and

51 requirements under which the loan is issued or other financial assistance
52 granted, and describes the terms under which the loan or financial assistance
53 repayment shall be made;

54 (16) "Payback score", a numeric value derived from the review of an
55 application, calculated as prescribed by the department, which may include an
56 estimated simple payback or life-cycle costing method of economic analysis and
57 used solely for purposes of ranking applications for the selection of loan and
58 financial assistance recipients within the balance of program funds available;

59 (17) "Project cost", all costs determined by the department to be directly
60 related to the implementation of an energy conservation project, and, for initial
61 installation in a new building, shall include the incremental cost of a
62 high-efficiency system;

63 (18) "School", an institution operated by a state college or state university,
64 public agency, political subdivision or a public or private nonprofit organization
65 tax exempt under Section 501(c)(3) of the Internal Revenue Code which:

66 (a) Provides, and is legally authorized to provide, elementary education
67 or secondary education, or both, on a day or residential basis;

68 (b) Provides and is legally authorized to provide a program of education
69 beyond secondary education, on a day or residential basis; admits as students
70 only persons having a certificate of graduation from a school providing secondary
71 education, or the recognized equivalent of such certificate; is accredited by a
72 nationally recognized accrediting agency or association; and provides an
73 educational program for which it awards a bachelor's degree or higher degree or
74 provides not less than a two-year program which is acceptable for full credit
75 toward such a degree at any institution which meets the preceding requirements
76 and which provides such a program; or

77 (c) Provides not less than a one-year program of training to prepare
78 students for gainful employment in a recognized occupation; provides and is
79 legally authorized to provide a program of education beyond secondary education,
80 on a day or residential basis; admits as students only persons having a certificate
81 of graduation from a school providing secondary education, or the recognized
82 equivalent of such certificate; and is accredited by a nationally recognized
83 accrediting agency or association;

84 (19) "School board", the board of education having general control of the
85 property and affairs of any school as defined in this section;

86 (20) "Technical assistance report", a specialized engineering report that

87 identifies and specifies the quantity of energy savings and related energy cost
88 savings that are likely to result from the implementation of one or more energy
89 conservation measures;

90 (21) "Unobligated balance", that amount in the fund that has not been
91 dedicated to any projects at the end of each state fiscal year.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

640.653. 1. An application for loan funds or other financial assistance
2 may be submitted to the department for the purpose of financing all or a portion
3 of the costs incurred in implementing an energy conservation project. The
4 application shall be accompanied by a technical assistance report. The
5 application and the technical assistance report shall be in such form and contain
6 such information, financial or otherwise, as prescribed by the department. This
7 section shall not preclude any applicant or borrower from joining in a cooperative
8 project with any other local government or with any state or federal agency or
9 entity in an energy conservation project; provided that, all other requirements of
10 sections 640.651 to 640.686 are met.

11 2. Eligible applications shall be assigned a payback score derived from the
12 application review performed by the department. Applications shall be selected
13 for loans and financial assistance beginning with the lowest payback score and
14 continuing in ascending order to the highest payback score until all available
15 program funds have been obligated within any given application cycle. The
16 selection criteria may be applied per sector or entity to assure equity pursuant
17 to section 640.674. In no case shall a loan or financial assistance be made to
18 finance an energy project with a payback score of less than six months or more
19 than ten years or eighty percent of the expected useful life of the energy
20 conservation measures when the expected useful life exceeds ten
21 years. Repayment periods are to be determined by the department. Applications
22 may be approved for loans or financial assistance only in those instances where
23 the applicant has furnished the department information satisfactory to assure
24 that the project cost will be recovered through energy cost savings during the
25 repayment period of the loan or financial assistance.

26 In no case shall a loan or financial assistance be made to an applicant unless the
27 approval of the governing board or body of the applicant to the loan agreement
28 is obtained and a written certification of such approval is provided, where

29 applicable.

30 3. The department shall approve or disapprove all applications for loans
31 or financial assistance which are sent by certified or registered mail or hand
32 delivered and received by the department's division of energy on, or prior to, the
33 ninetieth day following the date of application cycle closing. Any applications
34 which are not acted upon by the department by such date shall be deemed to be
35 approved as submitted.

36 4. The department of elementary and secondary education shall be
37 provided a summary of all proposed public elementary and secondary school
38 projects for review within fifteen days from the application deadline. Once
39 projects have been reviewed and selected for loans or financial assistance by the
40 department, the department of elementary and secondary education shall have
41 thirty days to certify that those projects selected for loans or financial assistance
42 are consistent with related state programs for public education facilities.

43 5. The department of health and senior services shall be provided a
44 summary of all proposed hospital projects for review within fifteen days from the
45 application deadline. Once projects have been reviewed and selected for loans or
46 financial assistance by the department of [natural resources] **economic**
47 **development**, the department of health and senior services shall have thirty
48 days to certify that those projects selected for loans or financial assistance are
49 consistent with related health requirements for hospital facilities.

50 6. The coordinating board for higher education shall be provided a
51 summary of all proposed public higher education facility projects for review
52 within fifteen days from the application deadline. Once projects have been
53 reviewed and selected for loans and financial assistance by the department, the
54 coordinating board for higher education shall have thirty days to certify that
55 those projects selected for loans or financial assistance are consistent with related
56 state programs for education facilities.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

660.135. 1. The utilicare stabilization fund for any fiscal year shall be
2 funded, subject to appropriations, by the general assembly.

3 2. The department of social services shall, in coordination with the
4 department of [natural resources] **economic development**, apply a portion of
5 the funds appropriated annually by the general assembly to the utilicare

6 stabilization fund established pursuant to section 660.136 to the low income
7 weatherization assistance program of the department of [natural resources]
8 **economic development**; provided that any project financed with such funds
9 shall be consistent with federal guidelines for the Weatherization Assistance
10 Program for Low-Income Persons as authorized by 42 U.S.C. 6861.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

701.500. 1. As used in sections 701.500 to 701.515, the following terms
2 shall mean:

3 (1) "Department", the department of [natural resources] **economic**
4 **development**;

5 (2) "Director", the director of the department of [natural resources]
6 **economic development**;

7 (3) "Energy Star program", a joint program of the United States
8 Environmental Protection Agency and the United States Department of Energy
9 that identifies and promotes energy efficient products and practices.

10 2. The provisions of sections 701.500 to 701.515 shall apply to appliances
11 that do not have minimum energy efficiency standards required under federal
12 law.

13 3. No person shall sell, offer for sale, or install any new product listed in
14 subsection 2 of this section in the state unless the product meets the minimum
15 energy efficiency standards under sections 701.500 to 701.515.

16 4. The provisions of sections 701.500 to 701.515 shall not apply to:

17 (1) Consumer electronics; or

18 (2) Products:

19 (a) Manufactured in the state and sold outside the state;

20 (b) Manufactured outside the state and sold at wholesale inside the state
21 for final retail sale outside the state;

22 (c) Installed in mobile manufactured homes at the time of construction;
23 or

24 (d) Designed expressly for installation and use in recreational vehicles.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS
OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN
EXECUTIVE ORDER 13-03:

701.509. 1. The "Appliance Energy Efficiency Advisory Group" is hereby

2 created. The purpose of the advisory group is to advise the department on the
3 development and updating of the minimum energy efficiency standards for
4 products under sections 701.500 to 701.515. The advisory group shall consist of
5 the following eleven members who shall be appointed, in staggered terms, by the
6 director:

7 (1) A representative from the public service commission who is
8 knowledgeable in energy efficiency;

9 (2) A representative of the office of public counsel;

10 (3) A representative of an electric or natural gas utility who is
11 knowledgeable in energy efficiency;

12 (4) The director of the [energy center at the department of natural
13 resources] **division of energy of the department of economic**
14 **development**, or his or her designee;

15 (5) Two representatives from the appliance manufacturing industry;

16 (6) Three representatives with technical knowledge in energy efficiency
17 and appliances, including but not limited to, electrical or energy engineers;

18 (7) One representative from the home construction industry; and

19 (8) One representative from the commercial building industry.

20 2. Each member shall serve a term of three years and may be reappointed.
21 The advisory group members shall serve without compensation but may be
22 reimbursed for expenses incurred in connection with their duties. The advisory
23 group shall meet as needed, but not less than two times per year. The
24 department shall provide staff for the advisory group.

EXPLANATION: THIS SECTION EXPIRED 06-30-14:

2 [33.295. 1. There is hereby established the "Rebuild
3 Damaged Infrastructure Program" to provide funding for the
4 reconstruction, replacement, or renovation of, or repair to, any
5 infrastructure damaged by a presidentially declared natural
6 disaster, including, but not limited to, the physical components of
7 interrelated systems providing essential commodities and services
8 to the public which includes transportation, communication,
9 sewage, water, and electric systems as well as public elementary
10 and secondary school buildings.

11 2. There is hereby created in the state treasury the
12 "Rebuild Damaged Infrastructure Fund", which shall consist of
money appropriated or collected under this section. Any amount

13 to be transferred to the fund on July 1, 2013, pursuant to
14 subsection 2 of section 33.080 and subsection 2 of section 360.045,
15 in excess of fifteen million dollars shall instead be transferred to
16 the state general revenue fund. The state treasurer shall be
17 custodian of the fund and may approve disbursements from the
18 fund in accordance with sections 30.170 and 30.180. Upon
19 appropriation, money in the fund shall be used solely for the
20 purposes of this section. Any moneys remaining in the fund at the
21 end of the biennium shall revert to the credit of the general
22 revenue fund. The state treasurer shall invest moneys in the fund
23 in the same manner as other funds are invested. Any interest and
24 moneys earned on such investments shall be credited to the fund.

25 3. No money in the fund shall be expended for the
26 reconstruction, replacement, or renovation of, or repair to, any
27 infrastructure damaged by a presidentially declared natural
28 disaster when such reconstruction, replacement, renovation, or
29 repair is eligible for funding by the United States Department of
30 Housing and Urban Development through a 2013 supplemental
31 disaster allocation of community development block grant funds.

32 4. The provisions of this section shall expire on June 30,
33 2014.]

EXPLANATION: THE FUND IN SECTIONS 33.700 TO 33.730 WAS NEVER
CREATED; THESE SECTIONS ARE OBSOLETE:

[33.700. There is created "The Governmental Emergency
2 Fund" which shall consist of all moneys appropriated, transferred
3 or otherwise credited to it by law not to exceed the sum of one
4 hundred fifty thousand dollars per annum.]

[33.710. 1. There is created "The Governmental Emergency
2 Fund Committee" consisting of the governor, the commissioner of
3 administration as ex officio comptroller, the chairman and ranking
4 minority member of the senate appropriations committee, the
5 chairman and ranking minority member of the house budget
6 committee, or its successor committee, and the director of the
7 department of revenue who shall serve as consultant to the
8 committee without vote.

9 2. The members of the committee shall serve without

10 compensation but shall be reimbursed for actual and necessary
11 expenses incurred by them in the performance of their official
12 duties.

13 3. The committee shall elect from among its members a
14 chair and vice chair and such other officers as it deems necessary.]

2 [33.720. The moneys in the fund are subject to allocation
3 and expenditure in the manner prescribed in sections 33.700 to
4 33.730 and only to meet emergency and unanticipated
5 requirements necessary to insure the proper functioning of state
6 government and to render essential state services when the general
7 assembly is not in session and which were not foreseeable or
8 predictable at the time of the preparation and adoption of the
9 budget and the passage of appropriation measures during the
10 session of the general assembly next preceding the occurrence of
11 the emergency and for which moneys, other than from this fund,
are not available or are insufficient.]

2 [33.730. 1. Requests by a state department or agency for
3 the allocation and expenditure of money from the fund shall be
4 made by the administrative head of the department or agency in
5 writing to the governor and to the chairman of the governmental
6 emergency fund committee who shall transmit the request to the
committee.

7 2. The request shall recite the existence of the
8 circumstances which are deemed to require the requested allocation
9 and expenditure from the fund, the amount necessary to meet the
10 emergency and such other information as the committee may by
11 rule or regulation require.

12 3. No allocation or expenditure of money from the fund
13 shall be made except after authorization by a majority vote of the
14 full membership of the governmental emergency fund committee
15 and only for the specific purpose authorized by the
16 committee. Upon approval of any allocation and expenditure from
17 the fund, the committee shall certify to the commissioner of
18 administration the amount and purposes allowed.]

EXPLANATION: THE REPORTING REQUIREMENTS IN THIS SECTION ARE
OBSOLETE:

2 [61.081. The highway administrator shall report his full
3 name and address to the office of the secretary of the state
4 highways and transportation commission at Jefferson City within
5 ten days after he is qualified for such office. He shall also make an
6 annual report during the month of January in each year, when
7 requested so to do, upon blanks furnished by the state highways
8 and transportation commission, to the commission, and shall file
9 a copy of such report with the county commission. Such report
10 shall show the general condition of all established public highways,
11 roads, bridges and culverts in the county, together with a general
12 description of all improvements and construction made during the
 previous year.]

EXPLANATION: THIS SECTION IS OBSOLETE DUE TO THE REPEAL OF
SECTION 115.346 IN 2014:

 [71.005. No person shall be a candidate for municipal office
2 unless such person complies with the provisions of section 115.346
3 regarding payment of municipal taxes or user fees.]

EXPLANATION: SECTIONS 105.380, 105.385, 105.440, AND 105.445 REPEAL
OBSOLETE SOCIAL SECURITY PROVISIONS AND BRING MISSOURI INTO
COMPLIANCE WITH FEDERAL LAW:

 [105.380. 1. Delinquent payments due under section
2 105.370 shall bear interest at a rate equal to that charged by the
3 federal agency for the period for which said payments are
4 delinquent. No interest shall be charged if less than one dollar.

5 2. Delinquent wage reports or adjustment reports or
6 contributions due but not filed or submitted by prescribed due
7 dates shall be subject to a penalty of five dollars for the first day
8 and one dollar for each day thereafter, or the penalty prescribed by
9 the federal agency, whichever is greater. No more than one penalty
10 shall apply in case of any joint failure to file a deposit return and
11 to pay deposit contributions on the same prescribed due date.

12 3. Extensions to file required annual wage reports and
13 adjustment reports may be granted by the state agency for good
14 cause providing a written extension request is mailed to the state
15 agency on or before the prescribed due date with an estimated
16 deposit no less than the previous deposit, as adjusted. No penalty

shall be applied to any report for which an extension of time has been authorized by the state agency.

4. The state administrator or his designate may, upon written request by any political subdivision or instrumentality covered by an agreement entered into under section 105.350 and upon showing of "good cause", abate any portion or all of a penalty charge which has been assessed in accordance with subsection 2 of this section. Good cause abatement can only be granted within the rules and regulations established by the state agency pursuant to section 105.430.]

[105.385. 1. Delinquent payments due under section 105.370, together with accrued interest and penalties, may, at the request of the state agency, be deducted from any moneys payable to the subdivision or instrumentality by any department or agency of the state, or may be recovered in a court of competent jurisdiction against the political subdivision or instrumentality.

2. Whenever the state agency shall certify to any agency of the state authorized to apportion or allocate funds to political subdivisions or instrumentalities that any political subdivision or instrumentality is delinquent in its payments as provided by sections 105.300 to 105.440, the amount so certified shall be withheld from distribution. Upon notification by the state administrator of the withholding by the distributing agency, the state treasurer, or appropriate official, if other than the state treasurer, shall transfer the amount so certified or such part thereof as is available from apportionments or allocations due the political subdivision or instrumentality to the state agency. In the event the state agency recovers any delinquent amounts from the political subdivision or instrumentality, the funds so recovered shall be credited to the fund or funds from which the transfer was made, and the distributing agency shall then apportion or allocate to the political subdivision or instrumentality the amount it was originally entitled to receive by law.

3. Whenever any political subdivision or instrumentality which is part of or located within a county shall become delinquent of any payments due under section 105.370 and/or 105.380, the

27 state agency may certify to the treasurer or to any appropriate
28 officer of the county and/or political subdivision or instrumentality
29 the amount of the delinquent payment plus accrued interest and
30 penalties. The official receiving such certification shall without
31 regard to formal administrative procedure and usage of a particular
32 fund, cause payments to be made out of available funds to the state
33 agency sufficient to cover the amount certified by the state agency.
34 If any treasurer or appropriate official to which the delinquent
35 payment certification is so directed shall fail or neglect to perform
36 the duties imposed upon him by this section he shall be liable upon
37 his bond for the failure or neglect.]

[105.440. The state agency shall make studies concerning
2 the problem of old age and survivors protection for employees of the
3 state and local governments and their instrumentalities concerning
4 the operation of agreements made and plans approved under
5 sections 105.300 to 105.440, and shall submit a report to the
6 general assembly by April fifteenth of each year covering the
7 administration and operation of sections 105.300 to 105.440 during
8 the preceding year, including such recommendations for
9 amendments to sections 105.300 to 105.440 as it considers proper
10 and necessary.]

[105.445. 1. The state agency shall have access to all
2 payroll and disbursement records of political subdivisions and
3 instrumentalities covered by agreement pursuant to section
4 105.350. The state agency after giving notice may order the
5 political subdivision or instrumentality to make its books and
6 records available to the state agency, at the office of the political
7 subdivision or instrumentality and may audit those books and
8 records.

9 2. The state agency may recover the actual costs and
10 necessary expenses for the preparation of required Social Security
11 wage and adjustment reports not filed with the state agency by a
12 political subdivision or instrumentality. Such costs and expenses
13 shall be billed and paid upon completion of wage and adjustment
14 reports and all moneys collected shall be immediately deposited
15 into the state's general revenue fund.

16 3. The state administrator shall have the power to issue a
17 subpoena duces tecum to compel the production of any payroll and
18 disbursement records of political subdivisions and
19 instrumentalities covered by agreement pursuant to section
20 105.350.]

EXPLANATION: THIS SECTION SUNSET 08-28-13:

 [135.575. 1. As used in this section, the following terms
2 mean:

3 (1) "Missouri health care access fund", the fund created in
4 section 191.1056;

5 (2) "Tax credit", a credit against the tax otherwise due
6 under chapter 143, excluding withholding tax imposed by sections
7 143.191 to 143.265;

8 (3) "Taxpayer", any individual subject to the tax imposed in
9 chapter 143, excluding withholding tax imposed by sections 143.191
10 to 143.265.

11 2. The provisions of this section shall be subject to section
12 33.282. For all taxable years beginning on or after January 1, 2007,
13 a taxpayer shall be allowed a tax credit for donations in excess of
14 one hundred dollars made to the Missouri health care access
15 fund. The tax credit shall be subject to annual approval by the
16 senate appropriations committee and the house budget
17 committee. The tax credit amount shall be equal to one-half of the
18 total donation made, but shall not exceed twenty-five thousand
19 dollars per taxpayer claiming the credit. If the amount of the tax
20 credit issued exceeds the amount of the taxpayer's state tax
21 liability for the tax year for which the credit is claimed, the
22 difference shall not be refundable but may be carried forward to
23 any of the taxpayer's next four taxable years. No tax credit
24 granted under this section shall be transferred, sold, or
25 assigned. The cumulative amount of tax credits which may be
26 issued under this section in any one fiscal year shall not exceed one
27 million dollars.

28 3. The department of revenue may promulgate rules to
29 implement the provisions of this section. Any rule or portion of a
30 rule, as that term is defined in section 536.010, that is created

31 under the authority delegated in this section shall become effective
32 only if it complies with and is subject to all of the provisions of
33 chapter 536 and, if applicable, section 536.028. This section and
34 chapter 536 are nonseverable and if any of the powers vested with
35 the general assembly pursuant to chapter 536 to review, to delay
36 the effective date, or to disapprove and annul a rule are
37 subsequently held unconstitutional, then the grant of rulemaking
38 authority and any rule proposed or adopted after August 28, 2007,
39 shall be invalid and void.

40 4. Pursuant to section 23.253 of the Missouri sunset act:

41 (1) The provisions of the new program authorized under
42 this section shall automatically sunset six years after August 28,
43 2007, unless reauthorized by an act of the general assembly; and

44 (2) If such program is reauthorized, the program authorized
45 under this section shall automatically sunset twelve years after the
46 effective date of the reauthorization of this section; and

47 (3) This section shall terminate on September first of the
48 calendar year immediately following the calendar year in which the
49 program authorized under this section is sunset.]

EXPLANATION: THESE SECTIONS EXPIRED 08-28-14:

2 [135.900. As used in sections 135.900 to 135.906, the
following terms mean:

3 (1) "Department", the department of economic development;

4 (2) "Director", the director of the department of economic
5 development;

6 (3) "Earned income", all income not derived from retirement
7 accounts, pensions, or transfer payments;

8 (4) "New business facility", the same meaning as such term
9 is defined in section 135.100; except that the term "lease" as used
10 therein shall not include the leasing of property defined in
11 paragraph (d) of subdivision (6) of this section;

12 (5) "Population", all residents living in an area who are not
13 enrolled in any course at a college or university in the area;

14 (6) "Revenue-producing enterprise":

15 (a) Manufacturing activities classified as SICs 20 through
16 39;

- 17 (b) Agricultural activities classified as SIC 025;
- 18 (c) Rail transportation terminal activities classified as SIC
- 19 4013;
- 20 (d) Renting or leasing of residential property to low- and
- 21 moderate-income persons as defined in 42 U.S.C.A. 5302(a)-(20);
- 22 (e) Motor freight transportation terminal activities
- 23 classified as SIC 4231;
- 24 (f) Public warehousing and storage activities classified as
- 25 SICs 422 and 423 except SIC 4221, miniwarehouse warehousing
- 26 and warehousing self-storage;
- 27 (g) Water transportation terminal activities classified as
- 28 SIC 4491;
- 29 (h) Airports, flying fields, and airport terminal services
- 30 classified as SIC 4581;
- 31 (i) Wholesale trade activities classified as SICs 50 and 51;
- 32 (j) Insurance carriers activities classified as SICs 631, 632,
- 33 and 633;
- 34 (k) Research and development activities classified as SIC
- 35 873, except 8733;
- 36 (l) Farm implement dealer activities classified as SIC 5999;
- 37 (m) Employment agency activities classified as SIC 7361;
- 38 (n) Computer programming, data processing, and other
- 39 computer-related activities classified as SIC 737;
- 40 (o) Health service activities classified as SICs 801, 802, 803,
- 41 804, 806, 807, 8092, and 8093;
- 42 (p) Interexchange telecommunications service as defined in
- 43 section 386.020 or training activities conducted by an
- 44 interexchange telecommunications company as defined in section
- 45 386.020;
- 46 (q) Recycling activities classified as SIC 5093;
- 47 (r) Banking activities classified as SICs 602 and 603;
- 48 (s) Office activities as defined in section 135.100,
- 49 notwithstanding SIC classification;
- 50 (t) Mining activities classified as SICs 10 through 14;
- 51 (u) The administrative management of any of the foregoing
- 52 activities; or

53 (v) Any combination of any of the foregoing activities;
54 (7) "SIC", the standard industrial classification as such
55 classifications are defined in the 1987 edition of the standard
56 industrial classification manual as prepared by the executive office
57 of the president, office of management and budget;

58 (8) "Transfer payments", payments made under Medicaid,
59 Medicare, Social Security, child support or custody agreements, and
60 separation agreements.]

[135.903. 1. To qualify as a rural empowerment zone, an
2 area shall meet all the following criteria:

3 (1) The area is one of pervasive poverty, unemployment,
4 and general distress;

5 (2) At least sixty-five percent of the population has earned
6 income below eighty percent of the median income of all residents
7 within the state according to the United States Census Bureau's
8 American Community Survey, based on the most recent of five-year
9 period estimate data in which the final year of the estimate ends
10 in either zero or five or other appropriate source as approved by
11 the director;

12 (3) The population of the area is at least four hundred but
13 not more than three thousand five hundred at the time of
14 designation as a rural empowerment zone;

15 (4) The level of unemployment of persons, according to the
16 most recent data available from the division of employment
17 security or from the United States Bureau of Census and approved
18 by the director, within the area exceeds one and one-half times the
19 average rate of unemployment for the state of Missouri over the
20 previous twelve months, or the percentage of area residents
21 employed on a full-time basis is less than fifty percent of the
22 statewide percentage of residents employed on a full-time basis;

23 (5) The area is situated more than ten miles from any
24 existing rural empowerment zone;

25 (6) The area is situated in a county of the third
26 classification without a township form of government and with
27 more than eight thousand nine hundred twenty-five but less than
28 nine thousand twenty-five inhabitants; and

29 (7) The area is not situated in an existing enterprise zone.

30 2. The governing body of any county in which an area may
31 be designated a rural empowerment zone shall submit to the
32 department an application showing that the area complies with the
33 requirements of subsection 1 of this section. The department shall
34 declare the area a rural empowerment zone if upon investigation
35 the department finds that the area meets the requirements of
36 subsection 1 of this section. If the area is found not to meet the
37 requirements, the governing body shall have the opportunity to
38 submit another application for designation as a rural empowerment
39 zone and the department shall designate the area a rural
40 empowerment zone if upon investigation the department finds that
41 the area meets the requirements of subsection 1 of this section.

42 3. There shall be no more than two rural empowerment
43 zones as created under sections 135.900 to 135.906 in existence at
44 any time.]

[135.906. All of the Missouri taxable income attributed to
2 a new business facility in a rural empowerment zone which is
3 earned by a taxpayer establishing and operating a new business
4 facility located within a rural empowerment zone shall be exempt
5 from taxation under chapter 143 if such new business facility is
6 responsible for the creation of ten new full-time jobs in the zone
7 within one year from the date on which the tax abatement
8 begins. All of the Missouri taxable income attributed to a
9 revenue-producing enterprise in a rural empowerment zone which
10 is earned by a taxpayer operating a revenue-producing enterprise
11 located within a rural empowerment zone and employing nineteen
12 or fewer full-time employees shall be exempt from taxation under
13 chapter 143 if such revenue-producing enterprise is responsible for
14 the creation of five new full-time jobs in the zone within one year
15 from the date on which the tax abatement begins. All of the
16 Missouri taxable income attributed to a revenue-producing
17 enterprise in a rural empowerment zone which is earned by a
18 taxpayer operating a revenue-producing enterprise located within
19 a rural empowerment zone and employing twenty or more full-time
20 employees shall be exempt from taxation under chapter 143 if such

21 revenue-producing enterprise is responsible for the creation of a
22 number of new full-time jobs in the zone equal to twenty-five
23 percent of the number of full-time employees employed by the
24 revenue-producing enterprise on the date on which tax abatement
25 begins within one year from the date on which the tax abatement
26 begins.]

[135.909. The provisions of sections 135.900 to 135.906
2 shall expire on August 28, 2014.]

EXPLANATION: THIS SECTION SUNSET ON 08-28-14:

[137.106. 1. This section may be known and may be cited
2 as "The Missouri Homestead Preservation Act".

3 2. As used in this section, the following terms shall mean:

4 (1) "Department", the department of revenue;

5 (2) "Director", the director of revenue;

6 (3) "Disabled", as such term is defined in section 135.010;

7 (4) "Eligible owner", any individual owner of property who

8 is sixty-five years old or older as of January first of the tax year in

9 which the individual is claiming the credit or who is disabled, and

10 who had an income of equal to or less than the maximum upper

11 limit in the year prior to completing an application pursuant to this

12 section; or

13 (a) In the case of a married couple owning property either

14 jointly or as tenants by the entirety, or where only one spouse owns

15 the property, such couple shall be considered an eligible taxpayer

16 if both spouses have reached the age of sixty-five or if one spouse

17 is disabled, or if one spouse is at least sixty-five years old and the

18 other spouse is at least sixty years old, and the combined income

19 of the couple in the year prior to completing an application

20 pursuant to this section did not exceed the maximum upper limit;

21 or

22 (b) In the case of joint ownership by unmarried persons or

23 ownership by tenancy in common by two or more unmarried

24 persons, such owners shall be considered an eligible owner if each

25 person with an ownership interest individually satisfies the

26 eligibility requirements for an individual eligible owner under this

27 section and the combined income of all individuals with an interest

in the property is equal to or less than the maximum upper limit in the year prior to completing an application under this section. If any individual with an ownership interest in the property fails to satisfy the eligibility requirements of an individual eligible owner or if the combined income of all individuals with interest in the property exceeds the maximum upper limit, then all individuals with an ownership interest in such property shall be deemed ineligible owners regardless of such other individual's ability to individually meet the eligibility requirements; or

(c) In the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this subsection; No individual shall be an eligible owner if the individual has not paid their property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035;

(5) "Homestead", as such term is defined pursuant to section 135.010, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including

improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection 10 of this section. For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For applications filed between December 31, 2008, and December 31, 2011, the homestead exemption limit shall be based on the increase in tax liability from the base year to the year prior to the application year. For applications filed on or after January 1, 2012, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For purposes of this subdivision, the term "base year" means the year prior to the first year in which the eligible owner's application was approved, or 2006, whichever is later;

(7) "Income", federal adjusted gross income, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit

to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property; and
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value. The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon request for an application, shall:

- (1) Certify the parcel number and owner of record as of

136 January first of the homestead, including verification of the
137 acreage classified as residential on the assessor's property record
138 card;

139 (2) Obtain appropriate prior tax year levy codes for each
140 homestead from the county clerks for inclusion on the form;

141 (3) Record on the application the assessed valuation of the
142 homestead for the current tax year, and any new construction or
143 improvements for the current tax year; and

144 (4) Sign the application, certifying the accuracy of the
145 assessor's entries.

146 6. If application is made after 2005, any potential eligible
147 owner may apply for the homestead exemption credit by completing
148 an application. Applications may be completed between April first
149 and October fifteenth of any tax year in order for the taxpayer to
150 be eligible for the homestead exemption credit in the tax year next
151 following the calendar year in which the homestead exemption
152 credit application was completed. The application shall be on
153 forms provided by the department. Forms also shall be made
154 available on the department's internet site and at all permanent
155 branch offices and all full-time, temporary, or fee offices
156 maintained by the department of revenue. The applicant shall
157 attest under penalty of perjury:

158 (1) To the applicant's age;

159 (2) That the applicant's prior year income was less than the
160 maximum upper limit;

161 (3) To the address of the homestead property;

162 (4) That any improvements made to the homestead, not
163 made to accommodate a disabled person, did not total more than
164 five percent of the prior year appraised value; and

165 (5) The applicant shall also include with the application
166 copies of receipts indicating payment of property tax by the
167 applicant for the homestead property for the three prior tax years.

168 7. Each applicant shall send the application to the
169 department by October fifteenth of each year for the taxpayer to be
170 eligible for the homestead exemption credit in the tax year next
171 following the calendar year in which the application was completed.

172 8. If application is made in 2005, upon receipt of the
173 applications, the department shall calculate the tax liability,
174 adjusted to exclude new construction or improvements verify
175 compliance with the maximum income limit, verify the age of the
176 applicants, and make adjustments to these numbers as necessary
177 on the applications. The department also shall disallow any
178 application where the applicant has also filed a valid application
179 for the senior citizens property tax credit, pursuant to sections
180 135.010 to 135.035. Once adjusted tax liability, age, and income
181 are verified, the director shall determine eligibility for the credit,
182 and provide a list of all verified eligible owners to the county
183 collectors or county clerks in counties with a township form of
184 government by December fifteenth of each year. By January
185 fifteenth, the county collectors or county clerks in counties with a
186 township form of government shall provide a list to the department
187 of any verified eligible owners who failed to pay the property tax
188 due for the tax year that ended immediately prior. Such eligible
189 owners shall be disqualified from receiving the credit in the current
190 tax year.

191 9. If application is made after 2005, upon receipt of the
192 applications, the department shall calculate the tax liability, verify
193 compliance with the maximum income limit, verify the age of the
194 applicants, and make adjustments to these numbers as necessary
195 on the applications. The department also shall disallow any
196 application where the applicant also has filed a valid application
197 for the senior citizens property tax credit under sections 135.010 to
198 135.035. Once adjusted tax liability, age, and income are verified,
199 the director shall determine eligibility for the credit and provide a
200 list of all verified eligible owners to the county assessors or county
201 clerks in counties with a township form of government by December
202 fifteenth of each year. By January fifteenth, the county assessors
203 shall provide a list to the department of any verified eligible
204 owners who made improvements not for accommodation of a
205 disability to the homestead and the dollar amount of the assessed
206 value of such improvements. If the dollar amount of the assessed
207 value of such improvements totaled more than five percent of the

208 prior year appraised value, such eligible owners shall be
209 disqualified from receiving the credit in the current tax year.

210 10. The director shall calculate the level of appropriation
211 necessary to set the homestead exemption limit at five percent
212 when based on a year of general reassessment or at two and
213 one-half percent when based on a year without general
214 reassessment for the homesteads of all verified eligible owners, and
215 provide such calculation to the speaker of the house of
216 representatives, the president pro tempore of the senate, and the
217 director of the office of budget and planning in the office of
218 administration by January thirty-first of each year.

219 11. For applications made in 2005, the general assembly
220 shall make an appropriation for the funding of the homestead
221 exemption credit that is signed by the governor, then the director
222 shall, by July thirty-first of such year, set the homestead exemption
223 limit. The limit shall be a single, statewide percentage increase to
224 tax liability, rounded to the nearest hundredth of a percent, which,
225 if applied to all homesteads of verified eligible owners who applied
226 for the homestead exemption credit in the immediately prior tax
227 year, would cause all but one-quarter of one percent of the amount
228 of the appropriation, minus any withholding by the governor, to be
229 distributed during that fiscal year. The remaining one-quarter of
230 one percent shall be distributed to the county assessment funds of
231 each county on a proportional basis, based on the number of
232 eligible owners in each county; such one-quarter percent
233 distribution shall be delineated in any such appropriation as a
234 separate line item in the total appropriation. If no appropriation
235 is made by the general assembly during any tax year or no funds
236 are actually distributed pursuant to any appropriation therefor,
237 then no homestead preservation credit shall apply in such year.

238 12. After setting the homestead exemption limit for
239 applications made in 2005, the director shall apply the limit to the
240 homestead of each verified eligible owner and calculate the credit
241 to be associated with each verified eligible owner's homestead, if
242 any. The director shall send a list of those eligible owners who are
243 to receive the homestead exemption credit, including the amount

of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation and assessment fund allocation to the county collector's funds of each county or the treasurer ex officio collector's fund in counties with a township form of government where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector or the treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to the collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director

280 shall determine the apportionment percentage by equally
281 apportioning the appropriation among all eligible applicants on a
282 percentage basis. If no appropriation is made by the general
283 assembly during any tax year or no funds are actually distributed
284 pursuant to any appropriation therefor, then no homestead
285 preservation credit shall apply in such year.

286 14. After determining the apportionment percentage, the
287 director shall calculate the credit to be associated with each
288 verified eligible owner's homestead, if any. The director shall send
289 a list of those eligible owners who are to receive the homestead
290 exemption credit, including the amount of each credit, the certified
291 parcel number of the homestead, and the address of the homestead
292 property, to the county collectors or county clerks in counties with
293 a township form of government by August thirty-first. Pursuant to
294 such calculation, the director shall instruct the state treasurer as
295 to how to distribute the appropriation to the county collector's fund
296 of each county where recipients of the homestead exemption credit
297 are located, so as to exactly offset each homestead exemption credit
298 being issued. As a result of the appropriation, in no case shall a
299 political subdivision receive more money than it would have
300 received absent the provisions of this section. Funds, at the
301 direction of the collector of the county or treasurer ex officio
302 collector in counties with a township form of government, shall be
303 deposited in the county collector's fund of a county or may be sent
304 by mail to the collector of a county, or treasurer ex officio collector
305 in counties with a township form of government, not later than
306 October first in any year a homestead exemption credit is
307 appropriated as a result of this section and shall be distributed as
308 moneys in such funds are commonly distributed from other
309 property tax revenues by the collector of the county or the
310 treasurer ex officio collector of the county in counties with a
311 township form of government, so as to exactly offset each
312 homestead exemption credit being issued.

313 15. The department shall promulgate rules for
314 implementation of this section. Any rule or portion of a rule, as
315 that term is defined in section 536.010, that is created under the

authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys, pursuant to subsection 12 of this section, shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.

17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18. In accordance with the provisions of sections 23.250 to 23.298 and unless otherwise authorized pursuant to section 23.253:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective

352 date of this section; and

353 (2) This section shall terminate on September first of the
354 year following the year in which any new program authorized
355 under this section is sunset, and the revisor of statutes shall
356 designate such sections and this section in a revision bill for
357 repeal.]

EXPLANATION: 1996 COURT DECISION MADE SECTIONS 143.105 TO
143.107 OBSOLETE:

[143.105. Notwithstanding the provisions of section
2 143.071, to the contrary, a tax is hereby imposed upon the Missouri
3 taxable income of corporations in an amount equal to five percent
4 of Missouri taxable income.]

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

12 2. If a federal income tax liability for a tax year prior to the
13 applicability of sections 143.011 to 143.996 for which he was not
14 previously entitled to a Missouri deduction is later paid or accrued,
15 he may deduct the federal tax in the later year to the extent it
16 would have been deductible if paid or accrued in the prior year.]

[143.107. 1. Sections 143.105 and 143.106 shall become
2 effective only if the question prescribed in subsection 2 of this
3 section is submitted to a statewide vote and a majority of the
4 qualified voters voting on the issue approve such question, and not
5 otherwise.

6 2. If the supreme court of Missouri does not affirm in whole
7 or in part the decision in the case of COMMITTEE FOR
8 EDUCATION EQUALITY, et al., v. STATE OF MISSOURI, et al.,

9 No. CV 190-1371CC, and LEE'S SUMMIT SCHOOL DISTRICT
10 R-VII, et al., v. STATE OF MISSOURI, et al., No. CV 190-510CC,
11 a statewide election shall be held on the first regularly scheduled
12 statewide election date after such a ruling at which an election can
13 be held pursuant to chapter 115. At such election the qualified
14 voters of this state shall vote on the question of whether the taxes
15 prescribed in sections 143.105 and 143.106 shall be applied to all
16 taxable years beginning on or after the date of such election and
17 not otherwise. If the voters approve such question, sections
18 160.500 to 160.538, sections 160.545 and 160.550, sections 161.099
19 and 161.610, sections 162.203 and 162.1010, section 163.023,
20 sections 166.275 and 166.300, section 170.254, section 173.750, and
21 sections 178.585 and 178.698 shall expire thirty days after
22 certification of the results of the election.]

EXPLANATION: THIS SECTION CONTAINED A CONTINGENT EXPIRATION
DATE OF 2/1/2010. THE DEPARTMENT OF HEALTH AND SENIOR
SERVICES DETERMINED THAT THE TAX CHECKOFF WAS INSUFFICIENT,
ALLOWING THIS SECTION TO EXPIRE. THE REVISOR WAS NOT
NOTIFIED:

[143.1007. 1. For all tax years beginning on or after
2 January 1, 2006, each individual or corporation entitled to a tax
3 refund in an amount sufficient to make an irrevocable designation
4 under this section may designate that any amount, on a single or
5 a combined return, of the refund due be credited to the Missouri
6 public health services fund established in section 192.900. The
7 director of revenue shall establish a method that allows the
8 contribution designations authorized by this section to be indicated
9 on the first page of each income tax return form provided by this
10 state. The method may allow for a separate instruction list for the
11 tax return that lists each authorized contribution designation. If
12 any individual or corporation which is not entitled to a tax refund
13 in an amount sufficient to make a designation under this section
14 wishes to make a contribution to the fund, such individual or
15 corporation may, by separate check, draft, or other negotiable
16 instrument, send in with the payment of taxes, or may send in
17 separately, that amount, clearly designated for the fund, and the

18 department of revenue shall forward such amount to the state
19 treasurer for deposit to the designated fund as provided in this
20 section.

21 2. The director of revenue shall transfer at least monthly
22 all contributions designated by individuals under this section to the
23 state treasurer for deposit to the designated fund.

24 3. The director of revenue shall transfer at least monthly
25 all contributions designated by corporations under this section, less
26 one percent of the amount in the fund at the time of the transfer
27 for the cost of collection and handling by the department of
28 revenue, to be deposited in the state's general revenue fund, to the
29 state treasurer for deposit to the designated fund.

30 4. A contribution designated under this section shall only
31 be transferred and deposited in the designated fund after all other
32 claims against the refund from which such contribution is to be
33 made have been satisfied.

34 5. The moneys transferred and deposited under this section
35 shall be administered by the department of health and senior
36 services, and shall be used solely for the following purposes:

37 (1) To provide information on cervical cancer, early
38 detection, testing, and prevention to the public and health care
39 providers in this state;

40 (2) To collect statistical information on cervical cancer,
41 including but not limited to age, ethnicity, region, and
42 socioeconomic status of women in this state; and

43 (3) To provide services and funding for early detection,
44 testing, and prevention of cervical cancer.

45 6. Not more than twenty percent of the moneys collected
46 under this section shall be used for the costs of administering this
47 section. Not more than thirty percent of the moneys collected
48 under this section shall be used for the purposes listed in
49 subdivision (1) of subsection 5 of this section. Not more than fifty
50 percent of the moneys collected under this section shall be used for
51 the purposes listed in subdivision (3) of subsection 5 of this section.

52 7. The directors of revenue and the department of health
53 and senior services are authorized to promulgate rules and

regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

8. The director of the department of health and senior services shall determine no later than January 31, 2010, whether moneys sufficient to carry out the provisions of this section have been transferred and deposited under this section. Upon a determination that insufficient moneys have been transferred and deposited under this section, this section shall expire on February 1, 2010, and any moneys remaining in the fund established in this section shall be used solely for existing cancer programs administered by the department of health and senior services. The director shall notify the revisor of statutes upon such determination that this section has expired.]

EXPLANATION: THIS SECTION SUNSET ON 07-10-14:

[160.459. 1. There is hereby established the "Rebuild Missouri Schools Program" under which the state board of education shall distribute no-interest funding to eligible school districts from moneys appropriated by the general assembly to the rebuild Missouri schools program fund for the purposes of this section to assist in paying the costs of emergency projects.

2. As used in this section, the following terms mean:

(1) "Eligible school district", any public school district that has one or more school facilities that have experienced severe damage or destruction due to an act of God or extreme weather events, including but not limited to tornado, flood, or hail;

(2) "Emergency project", reconstruction, replacement or renovation of, or repair to, any school facilities located in an area

14 that has been declared a disaster area by the governor or President
15 of the United States because of severe damage;

16 (3) "Fund", the rebuild Missouri schools fund created by
17 this section and funded by appropriations of the general assembly;

18 (4) "Severe damage", such level of damage as to render all
19 or a substantial portion of a facility within a school district
20 unusable for the purpose for which it was being used immediately
21 prior to the event that caused the damage.

22 3. Under rules and procedures established by the state
23 board of education, eligible school districts may receive moneys
24 from the fund to pay for the costs of one or more emergency
25 projects.

26 4. Each eligible school district applying for such funding
27 shall enter into an agreement with the state board of education
28 which shall provide for all of the following:

29 (1) The funding shall be used only to pay the costs of an
30 emergency project;

31 (2) The eligible school district shall pay no interest for the
32 funding;

33 (3) The eligible school district shall, subject to annual
34 appropriation as provided in this section, repay the amount of the
35 funding to the fund in annual installments, which may or may not
36 be equal in amount, not more than twenty years from the date the
37 funding is received by the eligible school district. If the fund is no
38 longer in existence, the eligible school district shall repay the
39 amount of the funding to the general revenue fund;

40 (4) The repayment described in subdivision (3) of this
41 subsection shall annually be subject to an appropriation by the
42 board of education of the eligible school district to make such
43 repayment, such appropriation to be, at the discretion of the
44 eligible school district, from such district's incidental fund or
45 capital projects fund;

46 (5) As security for the repayment, a pledge from the eligible
47 school district to the state board of education of the use and
48 occupancy of the school facilities constituting the emergency project
49 for a period ending not earlier than the date the repayment shall

50 be completed; and

51 (6) Such other provisions as the state board of education
52 shall provide for in its rules and procedures or as to which the
53 state board of education and the eligible school district shall agree.

54 5. The amount of funding awarded by the state board of
55 education for any emergency project shall not exceed the cost of
56 that emergency project less the amount of any insurance proceeds
57 or other moneys received by the eligible school district as a result
58 of the severe damage. If the eligible school district receives such
59 insurance proceeds or other moneys after it receives funding under
60 the rebuild Missouri schools program, it shall pay to the state
61 board of education the amount by which the sum of the funding
62 under the rebuild Missouri schools program plus the insurance
63 proceeds and other moneys exceeds the cost of the emergency
64 project. Such payment shall:

65 (1) Be made at the time the annual payment under the
66 agreement is made;

67 (2) Be made whether or not the eligible school district has
68 made an appropriation for its annual payment;

69 (3) Be in addition to the annual payment; and

70 (4) Not be a credit against the annual payment.

71 6. Repayments from eligible school districts shall be paid
72 into the fund so long as it is in existence and may be used by the
73 state board of education to provide additional funding under the
74 rebuild Missouri schools program. If the fund is no longer in
75 existence, repayments shall be paid to the general revenue fund.

76 7. The funding provided for under the rebuild Missouri
77 schools program, and the obligation to repay such funding, shall
78 not be taken into account for purposes of any constitutional or
79 statutory debt limitation applicable to an eligible school district.

80 8. The state board of education shall establish procedures,
81 criteria, and deadlines for eligible school districts to follow in
82 applying for assistance under this section. The state board of
83 education shall promulgate rules and regulations necessary to
84 implement this section. No regulations, procedures, or deadline
85 shall be adopted by the state board of education that would serve

to exclude or limit any public school district that received severe damage after April 1, 2006, from participation in the program established by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

9. There is hereby created in the state treasury the "Rebuild Missouri Schools Fund", which shall consist of money appropriated or collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purposes of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

10. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after July 10, 2008, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

EXPLANATION: THIS SECTION SUNSET ON JUNE 30, 2012:

[167.194. 1. Beginning July 1, 2008, every child enrolling

2 in kindergarten or first grade in a public elementary school in this
3 state shall receive one comprehensive vision examination
4 performed by a state licensed optometrist or physician. Evidence
5 of the examination shall be submitted to the school no later than
6 January first of the first year in which the student is enrolled at
7 the school, provided that the evidence submitted in no way violates
8 any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health
9 Insurance Portability and Accountability Act of 1996.

10 2. The state board of education, in conjunction with the
11 department of health and senior services, shall promulgate rules
12 establishing the criteria for meeting the requirements of subsection
13 1 of this section, which may include, but are not limited to, forms
14 or other proof of such examination, or other rules as are necessary
15 for the enforcement of this section. The form or other proof of such
16 examination shall include but not be limited to identifying the
17 result of the examinations performed under subsection 4 of this
18 section, the cost for the examination, the examiner's qualifications,
19 and method of payment through either:

- 20 (1) Insurance;
21 (2) The state Medicaid program;
22 (3) Complimentary; or
23 (4) Other form of payment.

24 3. The department of elementary and secondary education,
25 in conjunction with the department of health and senior services,
26 shall compile and maintain a list of sources to which children who
27 may need vision examinations or children who have been found to
28 need further examination or vision correction may be referred for
29 treatment on a free or reduced-cost basis. The sources may include
30 individuals, and federal, state, local government, and private
31 programs. The department of elementary and secondary education
32 shall ensure that the superintendent of schools, the principal of
33 each elementary school, the school nurse or other person
34 responsible for school health services, and the parent organization
35 for each district elementary school receives an updated copy of the
36 list each year prior to school opening. Professional and service
37 organizations concerned with vision health may assist in gathering

38 and disseminating the information, at the direction of the
39 department of elementary and secondary education.

40 4. For purposes of this section, the following comprehensive
41 vision examinations shall include but not be limited to:

42 (1) Complete case history;

43 (2) Visual acuity at distance (aided and unaided);

44 (3) External examination and internal examination
45 (ophthalmoscopic examination);

46 (4) Subjective refraction to best visual acuity.

47 5. Findings from the evidence of examination shall be
48 provided to the department of health and senior services and kept
49 by the optometrist or physician for a period of seven years.

50 6. In the event that a parent or legal guardian of a child
51 subject to this section shall submit to the appropriate school
52 administrator a written request that the child be excused from
53 taking a vision examination as provided in this section, that child
54 shall be so excused.

55 7. Pursuant to section 23.253 of the Missouri sunset act:

56 (1) The provisions of the new program authorized under
57 this section shall automatically sunset on June 30, 2012, unless
58 reauthorized by an act of the general assembly; and

59 (2) If such program is reauthorized, the program authorized
60 under this section shall automatically sunset eight years after the
61 effective date of the reauthorization of this section; and

62 (3) This section shall terminate on September first of the
63 calendar year immediately following the calendar year in which the
64 program authorized under this section is sunset.]

EXPLANATION: SECTIONS 168.700 AND 168.702 SUNSET 08-28-13:

2 [168.700. 1. This act shall be known, and may be cited, as
the "Missouri Teaching Fellows Program".

3 2. As used in this section, the following terms shall mean:

4 (1) "Department", the Missouri department of higher
5 education;

6 (2) "Eligible applicant", a high school senior who:

7 (a) Is a United States citizen;

8 (b) Has a cumulative grade point average ranking in the top

9 ten percentile in their graduating class and scores in the top
10 twenty percentile on either the ACT or SAT assessment; or has a
11 cumulative grade point average ranking in the top twenty
12 percentile in their graduating class and scores in the top ten
13 percentile of the ACT or SAT assessment;

14 (c) Upon graduation from high school, attends a Missouri
15 higher education institution and attains a teaching certificate and
16 either a bachelors or graduate degree with a cumulative grade
17 point average of at least three-point zero on a four-point scale or
18 equivalent;

19 (d) Signs an agreement with the department in which the
20 applicant agrees to engage in qualified employment upon
21 graduation from a higher education institution for five years; and

22 (e) Upon graduation from the higher education institution,
23 engages in qualified employment;

24 (3) "Qualified employment", employment as a teacher in a
25 school located in a school district that is not classified as accredited
26 by the state board of education at the time the eligible applicant
27 signs their first contract to teach in such district. Preference in
28 choosing schools to receive participating teachers shall be given to
29 schools in such school districts with a
30 higher-than-the-state-average of students eligible to receive a
31 reduced lunch price under the National School Act, 42 U.S.C.
32 Section 1751, et seq., as amended;

33 (4) "Teacher", any employee of a school district, regularly
34 required to be certified under laws relating to the certification of
35 teachers, except superintendents and assistant superintendents but
36 including certified teachers who teach at the prekindergarten level
37 within a prekindergarten program in which no fees are charged to
38 parents or guardians.

39 3. Within the limits of amounts appropriated therefor, the
40 department shall, upon proper verification to the department by an
41 eligible applicant and the school district in which the applicant is
42 engaged in qualified employment, enter into a one-year contract
43 with eligible applicants to repay the interest and principal on the
44 educational loans of the applicants or provide a stipend to the

applicant as provided in subsection 4 of this section. The department may enter into subsequent one-year contracts with eligible applicants, not to total more than five such contracts. The fifth one-year contract shall provide for a stipend to such applicants as provided in subsection 4 of this section. If the school district becomes accredited at any time during which the eligible applicant is teaching at a school under a contract entered into pursuant to this section, nothing in this section shall preclude the department and the eligible applicant from entering into subsequent contracts to teach within the school district. An eligible applicant who does not enter into a contract with the department under the provisions of this subsection shall not be eligible for repayment of educational loans or a stipend under the provisions of subsection 4 of this section.

4. At the conclusion of each of the first four academic years that an eligible applicant engages in qualified employment, up to one-fourth of the eligible applicant's educational loans, not to exceed five thousand dollars per year, shall be repaid under terms provided in the contract. For applicants without any educational loans, the applicant may receive a stipend of up to five thousand dollars at the conclusion of each of the first four academic years that the eligible applicant engages in qualified employment. At the conclusion of the fifth academic year that an eligible applicant engages in qualified employment, a stipend in an amount equal to one thousand dollars shall be granted to the eligible applicant. The maximum of five thousand dollars per year and the stipend of one thousand dollars shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. The amount of any repayment of educational loans or the issuance of a stipend under this subsection shall not exceed the actual cost of tuition, required fees, and room and board for the eligible applicant at the institution of higher education from which the eligible applicant graduated.

81 5. The department shall maintain a Missouri teaching
82 fellows program coordinator position, the main responsibility of
83 which shall be the identification, recruitment, and selection of
84 potential students meeting the requirements of paragraph (b) of
85 subdivision (2) of subsection 2 of this section. In selecting potential
86 students, the coordinator shall give preference to applicants that
87 represent a variety of racial backgrounds in order to ensure a
88 diverse group of eligible applicants.

89 6. The department shall promulgate rules to enforce the
90 provisions of this section, including, but not limited to, applicant
91 eligibility, selection criteria, and the content of loan repayment
92 contracts. If the number of applicants exceeds the revenues
93 available for loan repayment or stipends, priority shall be to those
94 applicants with the highest high school grade-point average and
95 highest scores on the ACT or SAT assessments.

96 7. Any rule or portion of a rule, as that term is defined in
97 section 536.010, that is created under the authority delegated in
98 this section shall become effective only if it complies with and is
99 subject to all of the provisions of chapter 536 and, if applicable,
100 section 536.028. This section and chapter 536 are nonseverable
101 and if any of the powers vested with the general assembly pursuant
102 to chapter 536 to review, to delay the effective date, or to
103 disapprove and annul a rule are subsequently held
104 unconstitutional, then the grant of rulemaking authority and any
105 rule proposed or adopted after August 28, 2007, shall be invalid
106 and void.

107 8. There is hereby created in the state treasury the
108 "Missouri Teaching Fellows Program Fund". The state treasurer
109 shall be custodian of the fund and may approve disbursements
110 from the fund in accordance with sections 30.170 and 30.180.
111 Private donations, federal grants, and other funds provided for the
112 implementation of this section shall be placed in the Missouri
113 teaching fellows program fund. Upon appropriation, money in the
114 fund shall be used solely for the repayment of loans and the
115 payment of stipends under the provisions of this
116 section. Notwithstanding the provisions of section 33.080 to the

117 contrary, any moneys remaining in the fund at the end of the
118 biennium shall not revert to the credit of the general revenue
119 fund. The state treasurer shall invest moneys in the fund in the
120 same manner as other funds are invested. Any interest and
121 moneys earned on such investments shall be credited to the fund.

122 9. Subject to appropriations, the general assembly shall
123 include an amount necessary to properly fund this section, not to
124 exceed one million dollars in any fiscal year. The maximum of one
125 million dollars in any fiscal year shall be adjusted annually by the
126 same percentage as the increase in the general price level as
127 measured by the Consumer Price Index for All Urban Consumers
128 for the United States, or its successor index, as defined and
129 officially recorded by the United States Department of Labor or its
130 successor agency.]

2 [168.702. Pursuant to section 23.253 of the Missouri sunset
act:

3 (1) Any new program authorized under section 168.700
4 shall automatically sunset six years after August 28, 2007, unless
5 reauthorized by an act of the general assembly; and

6 (2) If such program is reauthorized, the program authorized
7 under section 168.700 shall automatically sunset twelve years after
8 the effective date of the reauthorization of this act; and

9 (3) Section 168.700 shall terminate on September first of
10 the calendar year immediately following the calendar year in which
11 a program authorized under section 168.700 is sunset.]

EXPLANATION: SECTIONS 170.055 TO 170.161 CONTAIN OBSOLETE
TEXTBOOK LANGUAGE:

2 [170.055. No school board shall pay a higher price for books
3 than is paid by any other school district in this state, or in any
4 other state purchasing textbooks in the open market. No contract
5 for books for a period of more than five years shall be made by any
6 school district under the provisions of this law. Any owner, agent,
7 solicitor or publisher of textbooks who shall offer for sale in this
8 state or sell to any board of directors or board of education
9 textbooks at a higher price than herein specified shall be guilty of
a misdemeanor and shall upon conviction thereof be punished by

10 a fine of not less than five hundred dollars and not more than ten
11 thousand dollars for each offense.]

[170.061. Before the publisher of any school textbook offers
2 the same for sale to any school board in the state of Missouri, he
3 shall file a copy of the textbook in the office of the state board of
4 education with a sworn statement of the list price and the lowest
5 net price at which the book is sold anywhere in the United States
6 under like conditions of distribution. The publisher shall file with
7 the state board of education a written agreement to furnish the
8 book or books to any school board in Missouri at the price so
9 filed. The publisher must further agree to reduce the prices in
10 Missouri if reductions are made elsewhere in the country, so that
11 at no time may any book be sold in Missouri at a higher price than
12 is received for the same book elsewhere in the country where like
13 methods of distribution prevail. The publisher shall further agree
14 that all books offered for sale in Missouri shall be equal in quality
15 to those deposited in the office of the state board of education as to
16 paper, binding, print, illustration and all points that may affect the
17 value of the books.]

[170.071. Before the publisher of any school textbook offers
2 it for sale to any school board in the state of Missouri, and at the
3 time of the filing of the textbook in the office of the state board of
4 education, the publisher shall pay into the treasury of the state of
5 Missouri a filing fee of ten dollars for each book offered by the
6 publisher. A series of books by the same author and upon the same
7 subject constitute one book for this purpose. The fees received
8 constitute a fund out of which, upon requisition made by the state
9 board of education, shall be paid the expenses of publishing lists
10 and other information for the use of school boards, clerk hire and
11 the other necessary expenses in connection with the filing of all
12 textbooks submitted for adoption in the state of Missouri.]

[170.081. To insure compliance with the conditions under
2 which school textbooks may be sold in the state of Missouri, the
3 publisher shall file with the state board of education a bond of not
4 less than two thousand dollars nor more than ten thousand dollars,
5 to be approved by the state board and the amount to be fixed by it;

6 upon compliance with this and sections 170.071, 170.131 and
7 170.141, the publisher shall thereupon be licensed to sell school
8 books in this state.]

[170.091. The state board of education shall furnish
2 annually each school district with a list of publishers who have
3 conformed to the law relating to sample books, prices and bond.]

[170.101. If in any case the publisher furnishes books
2 inferior in any particular to the sample on file with the state board
3 of education, or requires higher prices than those listed with the
4 board, then the school board shall inform the state board of
5 education of the failure of the publisher to comply with the terms
6 of his contract. The state board of education shall thereupon notify
7 the publisher of the complaint, and, if the publisher disregards the
8 notification and fails to comply immediately with the terms of his
9 contract, then the state board of education shall institute legal
10 proceedings for the forfeiture of the bond of the publisher.]

[170.111. Before seeking to enter into contract with any
2 school board, the publisher shall furnish the clerk of the school
3 board with a duplicate printed list of the books and prices filed
4 with the state board of education.]

[170.131. When any publisher of school textbooks files with
2 the state board of education the samples and lists provided for in
3 section 170.061, the publisher at the same time shall file a sworn
4 statement that he has no understanding or agreement of any kind
5 with any other publisher, or interest in the business of any other
6 publisher, with the effect, design or intent to control the prices on
7 books or to restrict competition in the adoption or sale thereof.]

[170.141. Before being licensed to sell school textbooks in
2 this state, the publisher thereof shall file with the state board of
3 education a sworn statement, showing the ownership of the
4 publishing house, with the interest, names and addresses of the
5 owners, and specifically stating whether or not the publisher, or
6 the owner of any interest or shares in the publishing house, is the
7 owner of any interest or shares in any other publishing house, and
8 if so, giving the name and address thereof.]

[170.151. If at any time any publisher enters into any

2 understanding, agreement or combination to control the prices or
3 to restrict competition in the adoption or sale of school books, or if
4 the statements required of the publisher by sections 170.131 and
5 170.141 are untrue in any respect, then the attorney general shall
6 institute and prosecute legal proceedings for the forfeiture of the
7 bond of the publisher and for the revocation of his authority to sell
8 school books in this state, and all contracts made by the publisher
9 under this law shall thereupon become null and void at the option
10 of the other parties thereto.]

2 [170.161. Any publisher who sells, or offers for sale or
3 adoption in this state, school textbooks of any kind without first
4 obtaining licenses therefor under this law is guilty of a
5 misdemeanor and upon conviction shall be fined not less than five
6 hundred dollars and not more than five thousand dollars.]

EXPLANATION: THIS SECTION IS OBSOLETE DUE TO THE REPEAL OF
SECTIONS 173.198 AND 173.199 IN 2012:

2 [173.197. Sections 173.197 to 173.199 shall be known and
3 may be cited as the "Higher Education Scholarship Program". The
4 general assembly hereby finds and declares that Missouri citizens
5 should be encouraged to pursue academic disciplines necessary for
6 the future economic well-being of this state to maintain
7 competitiveness in a global economy; therefore, the purpose of
8 sections 173.197 to 173.199 is to increase the number of students
9 pursuing and receiving undergraduate degrees in mathematics,
10 science, and foreign languages, and to increase the number of
11 students pursuing and receiving graduate degrees in mathematics,
12 science, engineering and foreign languages, by offering scholarships
and fellowships as incentives to pursue such disciplines.]

EXPLANATION: SECTIONS 205.580 TO 208.760 ARE OBSOLETE; THERE
2 ARE NO POOR FARMS IN MISSOURI:

2 [205.580. Poor persons shall be relieved, maintained and
3 supported by the county of which they are inhabitants.]

2 [205.590. Aged, infirm, lame, blind or sick persons, who are
3 unable to support themselves, and when there are no other persons
4 required by law and able to maintain them, shall be deemed poor
persons.]

2 [205.600. No person shall be deemed an inhabitant within
3 the meaning of sections 205.580 to 205.760, who has not resided in
4 the county for the space of twelve months next preceding the time
5 of any order being made respecting such poor person, or who shall
6 have removed from another county for the purpose of imposing the
7 burden of keeping such poor person on the county where he or she
last resided for the time aforesaid.]

2 [205.610. The county commission of each county, on the
3 knowledge of the judges of such tribunal, or any of them, or on the
4 information of any associate circuit judge of the county in which
5 any person entitled to the benefit of the provisions of sections
6 205.580 to 205.760 resides, shall from time to time, and as often
7 and for as long a time as may be necessary, provide, at the expense
8 of the county, for the relief, maintenance and support of such
persons.]

2 [205.620. The county commission shall at all times use its
3 discretion and grant relief to all persons, without regard to
4 residence, who may require its assistance.]

2 [205.630. The county commission of the proper county shall
3 allow such sum as it shall think reasonable, for the funeral
4 expenses of any person who shall die within the county without
5 means to pay such funeral expenses.]

2 [205.640. The several county commissions shall have power,
3 whenever they may think it expedient, to purchase or lease, or may
4 purchase and lease, any quantity of land in their respective
5 counties, not exceeding three hundred and twenty acres, and
receive a conveyance to their county for the same.]

2 [205.650. Such county commission may cause to be erected
3 on the land so purchased or leased a convenient poorhouse or
4 houses, and cause other necessary labor to be done, and repairs
5 and improvements made, and may appropriate from the revenues
6 of their respective counties such sums as will be sufficient to pay
7 the purchase money in one or more payments to improve the same,
and to defray the necessary expenses.]

2 [205.660. The county commission shall have power to make
all necessary and proper orders and rules for the support and

3 government of the poor kept at such poorhouse, and for supplying
4 them with the necessary raw materials to be converted by their
5 labor into articles of use, and for the disposing of the products of
6 such labor and applying the proceeds thereof to the support of the
7 institution.]

2 [205.670. The several county commissions shall set apart
3 from the revenues of the counties such sums for the annual support
4 of the poor as shall seem reasonable, which sums the county
5 treasurers shall keep separate from other funds, and pay the same
6 out on the warrants of their county commissions.]

2 [205.680. Any county which now has or may hereafter have
3 within such county a city having a special charter and which city
4 now has or may hereafter have a population of not less than ten
5 thousand inhabitants and not more than thirty thousand
6 inhabitants shall, out of the funds of such county, provide for the
7 care of the poor in said county, including poor of such city or cities,
8 and no such city shall hereafter be exempt from any tax for the
9 support of the poor of such county. No money shall hereafter be
10 refunded to any such city by any such county on account of any
11 money expended by said county for the support of the poor of said
12 county.]

2 [205.690. Whenever such poorhouse or houses are erected,
3 the county commission shall have power to appoint a fit and
4 discreet person to superintend the same and the poor who may be
5 kept thereat, and to allow such superintendent a reasonable
6 compensation for his services.]

2 [205.700. Such superintendent shall have power to cause
3 persons kept at such poorhouse, who are able to do useful labor, to
4 perform the same by reasonable and humane coercion.]

2 [205.710. The county commission may at any time, for good
3 cause, remove the superintendent and appoint another to fill the
4 vacancy.]

2 [205.720. It shall be the duty of the superintendent of the
3 poor, or poor farm, as provided for in sections 205.580 to 205.760,
4 to keep a book furnished by the county commission, and enter
5 therein a book account of all business transactions had or done or

5 caused to be done by him as superintendent. Said book shall show
6 an itemized account of all farm products, stock and other articles
7 sold by the superintendent or by his authority, and of all articles
8 purchased for the use of the poor, or for the use or improvement of
9 the poor farm or the buildings thereon, and of all expenses for farm
10 labor and other work or services done by order or contract of the
11 superintendent, and of such other items as may be ordered kept
12 therein by the county commission.]

[205.730. It shall be the duty of the superintendent to
2 appear before the county commission on the first day of every
3 regular session thereof, and at such other times as the commission
4 may require, and present said book to said commission for their
5 inspection. Should the superintendent fail or refuse to keep such
6 book and present the same to the county commission, as provided
7 in sections 205.580 to 205.760, it shall be considered sufficient
8 cause for his removal, and it shall be the duty of the county
9 commission to remove the same, and appoint another to fill the
10 vacancy.]

[205.740. All money that shall come into the hands of the
2 superintendent from the sale of farm products, stock or other
3 articles belonging to the county, and all other money belonging to
4 the county that shall come into his hands from other sources,
5 except by warrants drawn in his favor by the county commission,
6 shall be paid into the county treasury and placed with the fund for
7 the support of the poor, and a receipt taken for the same.]

[205.750. Every superintendent, before entering upon his
2 duties, shall enter into a bond to the state of Missouri in a sum not
3 less than five hundred nor more than three thousand dollars, to be
4 determined by the county commission, conditioned that he will
5 faithfully account for all money belonging to the county that shall
6 come into his hands, and that he will exercise due diligence and
7 care over property belonging to the county, under his control. Said
8 bond shall be approved by the county commission and filed with
9 the clerk thereof.]

[205.760. Sections 205.720 to 205.750 shall not apply to any
2 county where the support and keeping of the poor is let out by

3 contract, nor to any county where the superintendent rents or
4 leases the poor farm and stocks the same and furnishes the
5 necessary farm implements used thereon at his own expense, and
6 carries on said farm at his own expense.]

EXPLANATION: THIS SECTION SUNSET 08-28-13:

2 [208.178. 1. On or after July 1, 1995, the department of
3 social services may make available for purchase a policy of health
4 insurance coverage through the Medicaid program. Premiums for
5 such a policy shall be charged based upon actuarially sound
6 principles to pay the full cost of insuring persons under the
7 provisions of this section. The full cost shall include both
8 administrative costs and payments for services. Coverage under a
9 policy or policies made available for purchase by the department of
10 social services shall include coverage of all or some of the services
11 listed in section 208.152 as determined by the director of the
12 department of social services. Such a policy may be sold to a
13 person who is otherwise uninsured and who is:

14 (1) A surviving spouse eligible for coverage under sections
15 376.891 to 376.894, who is determined under rules and regulations
16 of the department of social services to be unable to afford
17 continuation of coverage under that section;

18 (2) An adult over twenty-one years of age who is not
19 pregnant and who resides in a household with an income which
20 does not exceed one hundred eighty-five percent of the federal
21 poverty level for the applicable family size. Net taxable income
22 shall be used to determine that portion of income of a self-employed
23 person; or

24 (3) A dependent of an insured person who resides in a
25 household with an income which does not exceed one hundred
26 eighty-five percent of the federal poverty level for the applicable
27 family size.

28 2. Any policy of health insurance sold pursuant to the
29 provisions of this section shall conform to requirements governing
30 group health insurance under chapters 375, 376, and 379.

31 3. The department of social services shall establish policies
governing the issuance of health insurance policies pursuant to the

32 provisions of this section by rules and regulations developed in
33 consultation with the department of insurance, financial
34 institutions and professional registration.

35 4. Under section 23.253 of the Missouri sunset act:

36 (1) The provisions of the program authorized under this
37 section shall automatically sunset one year after August 28, 2012,
38 unless reauthorized by an act of the general assembly; and

39 (2) If such program is reauthorized, the program authorized
40 under this section shall automatically sunset one year after the
41 effective date of the reauthorization of this section; and

42 (3) This section shall terminate on September first of the
43 calendar year immediately following the calendar year in which the
44 program authorized under this section is sunset.]

EXPLANATION: SECTION 208.275 CREATING THE COORDINATING
COUNCIL ON SPECIAL TRANSPORTATION WAS REPEALED IN 2014:

[208.630. The coordinating council on special transportation
2 created in section 208.275 shall, in cooperation with the
3 department of social services, coordinate existing transportation
4 reports for Missouri's elderly and persons with disabilities. Such
5 reports shall be compiled as one comprehensive plan to meet the
6 special transportation needs of the elderly and persons with
7 disabilities. The plan shall contain a strategy for implementation
8 and recommendations for funding. The plan shall be delivered to
9 the governor, the president pro tem of the senate, and the speaker
10 of the house of representatives by September 1, 1995.]

EXPLANATION: THE FUND IN THIS SECTION IS OBSOLETE AND
CONTAINS NO BALANCE:

[208.975. 1. There is hereby created in the state treasury
2 the "Health Care Technology Fund" which shall consist of all gifts,
3 donations, transfers, and moneys appropriated by the general
4 assembly, and bequests to the fund. The state treasurer shall be
5 custodian of the fund and may approve disbursements from the
6 fund in accordance with sections 30.170 and 30.180. The fund shall
7 be administered by the department of social services in accordance
8 with the recommendations of the MO HealthNet oversight
9 committee unless otherwise specified by the general

assembly. Moneys in the fund shall be distributed in accordance with specific appropriation by the general assembly. The director of the department of social services shall submit his or her recommendations for the disbursement of the funds to the governor and the general assembly.

2. Subject to the recommendations of the MO HealthNet oversight committee under section 208.978 and subsection 1 of this section, moneys in the fund shall be used to promote technological advances to improve patient care, decrease administrative burdens, increase access to timely services, and increase patient and health care provider satisfaction. Such programs or improvements on technology shall include encouragement and implementation of technologies intended to improve the safety, quality, and costs of health care services in the state, including but not limited to the following:

- (1) Electronic medical records;
- (2) Community health records;
- (3) Personal health records;
- (4) E-prescribing;
- (5) Telemedicine;
- (6) Telemonitoring; and
- (7) Electronic access for participants and providers to obtain MO HealthNet service authorizations.

3. Prior to any moneys being appropriated or expended from the health care technology fund for the programs or improvements listed in subsection 2 of this section, there shall be competitive requests for proposals consistent with state procurement policies of chapter 34. After such process is completed, the provisions of subsection 1 of this section relating to the administration of fund moneys shall be effective.

4. For purposes of this section, "elected public official or any state employee" means a person who holds an elected public office in a municipality, a county government, a state government, or the federal government, or any state employee, and the spouse of either such person, and any relative within one degree of consanguinity or affinity of either such person.

46 5. Any amounts appropriated or expended from the health
47 care technology fund in violation of this section shall be remitted
48 by the payee to the fund with interest paid at the rate of one
49 percent per month. The attorney general is authorized to take all
50 necessary action to enforce the provisions of this section, including
51 but not limited to obtaining an order for injunction from a court of
52 competent jurisdiction to stop payments from being made from the
53 fund in violation of this section.

54 6. Any business or corporation which receives moneys
55 expended from the health care technology fund in excess of five
56 hundred thousand dollars in exchange for products or services and,
57 during a period of two years following receipt of such funds,
58 employs or contracts with any current or former elected public
59 official or any state employee who had any direct decision-making
60 or administrative authority over the awarding of health care
61 technology fund contracts or the disbursement of moneys from the
62 fund shall be subject to the provisions contained within subsection
63 5 of this section. Employment of or contracts with any current or
64 former elected public official or any state employee which
65 commenced prior to May 1, 2007, shall be exempt from these
66 provisions.

67 7. Any moneys remaining in the fund at the end of the
68 biennium shall revert to the credit of the general revenue fund,
69 except for moneys that were gifts, donations, or bequests.

70 8. The state treasurer shall invest moneys in the fund in
71 the same manner as other funds are invested. Any interest and
72 moneys earned on such investments shall be credited to the fund.

73 9. The MO HealthNet division shall promulgate rules
74 setting forth the procedures and methods implementing the
75 provisions of this section and establish criteria for the
76 disbursement of funds under this section to include but not be
77 limited to grants to community health networks that provide the
78 majority of care provided to MO HealthNet and low-income
79 uninsured individuals in the community, and preference for health
80 care entities where the majority of the patients and clients served
81 are either participants of MO HealthNet or are from the medically

82 underserved population. Any rule or portion of a rule, as that term
83 is defined in section 536.010, that is created under the authority
84 delegated in this section shall become effective only if it complies
85 with and is subject to all of the provisions of chapter 536 and, if
86 applicable, section 536.028. This section and chapter 536 are
87 nonseverable and if any of the powers vested with the general
88 assembly pursuant to chapter 536 to review, to delay the effective
89 date, or to disapprove and annul a rule are subsequently held
90 unconstitutional, then the grant of rulemaking authority and any
91 rule proposed or adopted after August 28, 2007, shall be invalid
92 and void.]

EXPLANATION: THE JOINT COMMITTEE ON MEDICAID
TRANSFORMATION EXPIRED ON JANUARY 1, 2014:

2 [208.993. 1. The president pro tempore of the senate and
3 the speaker of the house of representatives may jointly establish a
4 committee to be known as the "Joint Committee on Medicaid
Transformation".

5 2. The committee may study the following:

6 (1) Development of methods to prevent fraud and abuse in
7 the MO HealthNet system;

8 (2) Advice on more efficient and cost-effective ways to
9 provide coverage for MO HealthNet participants;

10 (3) An evaluation of how coverage for MO HealthNet
11 participants can resemble that of commercially available health
12 plans while complying with federal Medicaid requirements;

13 (4) Possibilities for promoting healthy behavior by
14 encouraging patients to take ownership of their health care and
15 seek early preventative care;

16 (5) Advice on the best manner in which to provide
17 incentives, including a shared risk and savings to health plans and
18 providers to encourage cost-effective delivery of care; and

19 (6) Ways that individuals who currently receive medical
20 care coverage through the MO HealthNet program can transition
21 to obtaining their health coverage through the private sector.

22 3. If established, the joint committee shall be composed of
23 twelve members. Six members shall be from the senate, with four

24 members appointed by the president pro tempore of the senate, and
25 two members of the minority party appointed by the president pro
26 tempore of the senate with the advice of the minority leader of the
27 senate. Six members shall be from the house of representatives,
28 with four members appointed by the speaker of the house of
29 representatives, and two members of the minority party appointed
30 by the speaker of the house of representatives with the advice of
31 the minority leader of the house of representatives.

32 4. The provisions of this section shall expire on January 1,
33 2014.]

EXPLANATION: THE TASK FORCE CREATED IN THIS SECTION
SUBMITTED A REPORT AND EXPIRED ON JANUARY 1, 2015:

[210.105. 1. There is hereby created the "Missouri Task
2 Force on Prematurity and Infant Mortality" within the children's
3 services commission to consist of the following eighteen members:

4 (1) The following six members of the general assembly:

5 (a) Three members of the house of representatives, with two
6 members to be appointed by the speaker of the house and one
7 member to be appointed by the minority leader of the house;

8 (b) Three members of the senate, with two members to be
9 appointed by the president pro tem of the senate and one member
10 to be appointed by the minority leader of the senate;

11 (2) The director of the department of health and senior
12 services, or the director's designee;

13 (3) The director of the department of social services, or the
14 director's designee;

15 (4) The director of the department of insurance, financial
16 institutions and professional registration, or the director's
17 designee;

18 (5) One member representing a not-for-profit organization
19 specializing in prematurity and infant mortality;

20 (6) Two members who shall be either a physician or nurse
21 practitioner specializing in obstetrics and gynecology, family
22 medicine, pediatrics or perinatology;

23 (7) Two consumer representatives who are parents of
24 individuals born prematurely, including one parent of an individual

25 under the age of eighteen;

26 (8) Two members representing insurance providers in the
27 state;

28 (9) One small business advocate; and

29 (10) One member of the small business regulatory fairness
30 board. Members of the task force, other than the legislative
31 members and directors of state agencies, shall be appointed by the
32 governor with the advice and consent of the senate by September
33 15, 2011.

34 2. A majority of a quorum from among the task force
35 membership shall elect a chair and vice chair of the task force.

36 3. A majority vote of a quorum of the task force is required
37 for any action.

38 4. The chairperson of the children's services commission
39 shall convene the initial meeting of the task force by no later than
40 October 15, 2011. The task force shall meet at least quarterly;
41 except that the task force shall meet at least twice prior to the end
42 of 2011. Meetings may be held by telephone or video conference at
43 the discretion of the chair.

44 5. Members shall serve on the commission without
45 compensation, but may, subject to appropriation, be reimbursed for
46 actual and necessary expenses incurred in the performance of their
47 official duties as members of the task force.

48 6. The goal of the task force is to seek evidence-based and
49 cost-effective approaches to reduce Missouri's preterm birth and
50 infant mortality rates.

51 7. The task force shall:

52 (1) Submit findings to the general assembly;

53 (2) Review appropriate and relevant evidence-based
54 research regarding the causes and effects of prematurity and birth
55 defects in Missouri;

56 (3) Examine existing public and private entities currently
57 associated with the prevention and treatment of prematurity and
58 infant mortality in Missouri;

59 (4) Develop cost-effective strategies to reduce prematurity
60 and infant mortality; and

61 (5) Issue findings and propose to the appropriate public and
62 private organizations goals, objectives, strategies, and tactics
63 designed to reduce prematurity and infant mortality in Missouri,
64 including recommendations on public policy for consideration
65 during the next appropriate session of the general assembly.

66 8. On or before December 31, 2013, the task force shall
67 submit a report on their findings to the governor and general
68 assembly. The report shall include any dissenting opinions in
69 addition to any majority opinions.

70 9. The task force shall expire on January 1, 2015, or upon
71 submission of a report under subsection 8 of this section, whichever
72 is earlier.]

EXPLANATION: THIS SECTION IS OBSOLETE; THERE HAS BEEN NO
ACTIVITY FROM THE INTERAGENCY WORKGROUP:

 [251.650. 1. Not less than twice each calendar year,
2 representatives from the department of labor and industrial
3 relations, the department of elementary and secondary education,
4 the department of agriculture, the department of economic
5 development, and the department of natural resources shall meet
6 to discuss ways in which their respective agencies may collaborate
7 in order to secure grants established in the Energy Independence
8 and Security Act of 2007, Public Law 110-140, or other such grants
9 that would fund: green jobs; the production of renewable fuels;
10 increasing energy efficiency of products, buildings and vehicles; and
11 increasing research and development relating to the manufacturing
12 of renewable energy technologies. The department of natural
13 resources is hereby designated as the coordinating agency for the
14 inter-agency collaboration under this section.

15 2. In fulfilling the goals under this section, any of the
16 departments under subsection 1 of this section may confer with, or
17 invite participation by, any other interested individual, agency, or
18 organization, which shall include but not be limited to nonprofit
19 organizations, private sector entities, institutions of higher
20 education, and local governments. Such departments may enter
21 into partnerships with, in accordance with federal grant
22 requirements and as otherwise allowable by law, any individual,

23 agency, or organization in securing a grant under this section.
24 3. No later than the first Wednesday after the first Monday
25 of January each year, the departments outlined in subsection 1 of
26 this section shall report jointly to the general assembly and to the
27 governor the actions taken by their agencies in securing the grants
28 outlined in this section.]

EXPLANATION: THIS SECTION ONLY APPLIES TO CALENDAR YEARS
2009, 2010, AND 2011:

[288.131. 1. For calendar years 2009, 2010, and 2011, each
2 employer that is liable for contributions under this chapter, except
3 employers with a contribution rate equal to zero, shall pay an
4 annual unemployment automation surcharge in an amount equal
5 to five one-hundredths of one percent of such employer's total
6 taxable wages for the twelve-month period ending the preceding
7 June thirtieth. However, the division may reduce the foregoing
8 percentage to ensure that the total amount of surcharge due from
9 all employers under this subsection shall not exceed thirteen
10 million dollars annually. Each employer liable to pay such
11 surcharge shall be notified of the amount due under this subsection
12 by March thirty-first of each year and such amount shall be
13 considered delinquent thirty days thereafter. Delinquent
14 unemployment automation surcharge amounts may be collected in
15 the manner provided under sections 288.160 and 288.170. All
16 moneys collected under this subsection shall be deposited in the
17 unemployment automation fund established in section 288.132.

18 2. For calendar years 2009, 2010, and 2011, the otherwise
19 applicable unemployment contribution rate of each employer liable
20 for contributions under this chapter shall be reduced by five
21 one-hundredths of one percent, except such contribution rate shall
22 not be less than zero.]

EXPLANATION: THIS SECTION EXPIRED 12-31-13:

[376.1192. 1. As used in this section, "health benefit plan"
2 and "health carrier" shall have the same meaning as such terms
3 are defined in section 376.1350.

4 2. Beginning September 1, 2013, the oversight division of
5 the joint committee on legislative research shall perform an

6 actuarial analysis of the cost impact to health carriers, insureds
7 with a health benefit plan, and other private and public payers if
8 state mandates were enacted to provide health benefit plan
9 coverage for the following:

10 (1) Orally administered anticancer medication that is used
11 to kill or slow the growth of cancerous cells charged at the same
12 co-payment, deductible, or coinsurance amount as intravenously
13 administered or injected cancer medication that is provided,
14 regardless of formulation or benefit category determination by the
15 health carrier administering the health benefit plan;

16 (2) Diagnosis and treatment of eating disorders that include
17 anorexia nervosa, bulimia, binge eating, eating disorders
18 nonspecified, and any other severe eating disorders contained in
19 the most recent version of the Diagnostic and Statistical Manual of
20 Mental Disorders published by the American Psychiatric
21 Association. The actuarial analysis shall assume the following are
22 included in health benefit plan coverage:

23 (a) Residential treatment for eating disorders, if such
24 treatment is medically necessary in accordance with the Practice
25 Guidelines for the Treatment of Patients with Eating Disorders, as
26 most recently published by the American Psychiatric Association;
27 and

28 (b) Access to medical treatment that provides coverage for
29 integrated care and treatment as recommended by medical and
30 mental health care professionals, including but not limited to
31 psychological services, nutrition counseling, physical therapy,
32 dietician services, medical monitoring, and psychiatric monitoring.

33 3. By December 31, 2013, the director of the oversight
34 division of the joint committee on legislative research shall submit
35 a report of the actuarial findings prescribed by this section to the
36 speaker of the house of representatives, the president pro tempore
37 of the senate, and the chairpersons of the house of representatives
38 committee on health insurance and the senate small business,
39 insurance and industry committee, or the committees having
40 jurisdiction over health insurance issues if the preceding
41 committees no longer exist.

42 4. For the purposes of this section, the actuarial analysis of
43 health benefit plan coverage shall assume that such coverage:

44 (1) Shall not be subject to any greater deductible or
45 co-payment than other health care services provided by the health
46 benefit plan; and

47 (2) Shall not apply to a supplemental insurance policy,
48 including a life care contract, accident-only policy, specified disease
49 policy, hospital policy providing a fixed daily benefit only, Medicare
50 supplement policy, long-term care policy, short-term major medical
51 policies of six months' or less duration, or any other supplemental
52 policy.

53 5. The cost for each actuarial analysis shall not exceed
54 thirty thousand dollars and the oversight division of the joint
55 committee on legislative research may utilize any actuary
56 contracted to perform services for the Missouri consolidated health
57 care plan to perform the analysis required under this section.

58 6. The provisions of this section shall expire on December
59 31, 2013.]

EXPLANATION: SECTIONS 414.350 TO 414.359 ARE OBSOLETE; THE
PROGRAM WAS NOT IMPLEMENTED SINCE ITS AUTHORIZATION IN 1998:

 [414.350. As used in sections 414.350 to 414.359, the
2 following terms mean:

3 (1) "Alternative fuel", the same meaning as in section
4 414.400;

5 (2) "Division", the division of energy of the department of
6 natural resources;

7 (3) "Fueling station", the equipment and property directly
8 related to dispensing of an alternative fuel into the fuel tank of a
9 vehicle propelled by such fuel, including the compression
10 equipment and storage vessels for such fuel at the location where
11 such fuel is dispensed;

12 (4) "Fund", the Missouri alternative fuel vehicle loan fund;

13 (5) "Incremental cost", the difference in cost between a
14 vehicle that operates on conventional fuel and the cost of the same
15 model vehicle equipped to operate on an alternative fuel;

16 (6) "Political subdivision", any county, township, municipal

17 corporation, school district or other governmental unit in this state,
18 but not including any "state agency" as such term is defined in
19 section 536.010; and

20 (7) "Vehicle fleet", any fleet owned and operated by a
21 political subdivision and comprised of ten or more motor vehicles
22 with a manufacturer's gross vehicle weight rating of not more than
23 eight thousand five hundred pounds registered for operation on the
24 highways of this state pursuant to chapter 301.]

[414.353. 1. On or before July 1, 2000, the division shall
2 have developed an administrative plan for implementing a program
3 that provides financial assistance to political subdivisions for
4 establishing the capability of using alternative fuels in their
5 vehicle fleets.

6 2. The program shall accept applications for loans from
7 political subdivisions with vehicle fleets for the:

8 (1) Purchase of new motor vehicles capable of using
9 alternative fuels;

10 (2) Conversion of motor vehicles which operate on gasoline
11 to enable such vehicles to operate on an alternative fuel; and

12 (3) Construction of fueling stations capable of dispensing
13 alternative fuels.

14 3. The division shall evaluate plans developed by applicants
15 for converting their vehicle fleets to operate on alternative fuels,
16 and shall give preference in making loans to those applicants who
17 are prepared to make substantial investments of their own funds
18 in converting their vehicle fleets and who will work cooperatively
19 with the state, other political subdivisions, and private entities in
20 developing a fueling infrastructure capable of dispensing
21 alternative fuels in this state.

22 4. The division may promulgate any rules necessary to
23 carry out the provisions of sections 414.350 to 414.359. No rule or
24 portion of a rule promulgated pursuant to sections 414.350 to
25 414.359 shall take effect unless it has been promulgated pursuant
26 to chapter 536.]

[414.356. 1. Using the fund created in section 414.359, the
2 division shall provide loans of:

3 (1) A maximum of two thousand dollars for the incremental
4 cost of purchasing a new vehicle capable of operating on an
5 alternative fuel;

6 (2) A maximum of two thousand dollars for the conversion
7 of a new or existing vehicle designed to operate on gasoline to
8 enable such vehicle to operate on an alternative fuel; and

9 (3) A maximum of one hundred thousand dollars for the
10 construction of a fueling station capable of dispensing an
11 alternative fuel.

12 2. No political subdivision shall receive in aggregate more
13 than one hundred thousand dollars in loans for the purchase or
14 conversion of alternative fuel vehicles in any one year.

15 3. No political subdivision shall receive in aggregate more
16 than one hundred thousand dollars in loans for the construction of
17 fueling stations in any one year.

18 4. The division shall establish the interest rate and terms
19 of repayment for each loan agreement established pursuant to
20 sections 414.350 to 414.359. In establishing the repayment
21 schedule, the division shall consider the projected savings to the
22 political subdivision resulting from use of an alternative fuel, but
23 such repayment schedule shall be for a maximum repayment period
24 of four years and shall include provisions for payments to be made
25 on a monthly basis.

26 5. Any political subdivision that receives a loan pursuant
27 to sections 414.350 to 414.359 shall:

28 (1) Remit payments on the repayment schedule established
29 by the division;

30 (2) Agree to use the alternative fuel for which vehicles
31 purchased with the aid of such loans were designed;

32 (3) Provide reasonable data requested by the division on the
33 use and performance of vehicles purchased with the aid of such
34 loans;

35 (4) Allow for reasonable inspections by the division of
36 vehicles purchased and fueling stations constructed with the aid of
37 such loans; and

38 (5) Make fueling stations constructed with the aid of such

39 loans available for use at reasonable cost by the vehicle fleets of
40 other political subdivisions and, with consideration of the capacity
41 of such fueling stations, by the general public.]

[414.359. 1. There is hereby created in the state treasury
2 the "Missouri Alternative Fuel Vehicle Loan Fund". The fund may
3 receive moneys from appropriations by the general assembly,
4 repayments by political subdivisions of loans made pursuant to
5 sections 414.350 to 414.359 including interest on such loans, and
6 gifts, bequests, donations or any other payments made by any
7 public or private entity for use in carrying out the provisions of
8 sections 414.350 to 414.359.

9 2. The state treasurer shall deposit all of the moneys in the
10 fund into any of the qualified depositories of this state. All such
11 deposits shall be secured in such a manner and shall be made upon
12 such terms and conditions as are now or may hereafter be provided
13 by law relative to state deposits. Interest accrued by the fund shall
14 be credited to the fund. Notwithstanding the provisions of section
15 33.080 to the contrary, moneys in the fund shall not revert to the
16 credit of the general revenue fund at the end of the biennium.

17 3. The fund shall be used solely for the purposes of sections
18 414.350 to 414.359 and for no other purpose.]

EXPLANATION: THIS SECTION IS IDENTICAL TO SECTION 493.055 AND
THEREFORE IS REDUNDANT:

[442.018. All public advertisements and orders of
2 publication required by law to be made, including but not limited
3 to amendments to the Missouri Constitution, legal publications
4 affecting all sales of real estate under a power of sale contained in
5 any mortgage or deed of trust, and other legal publications
6 affecting the title to real estate, shall be published in a newspaper
7 of general circulation, qualified under the provisions of section
8 493.050, and persons responsible for orders of publication described
9 in sections 443.310 and 443.320 shall be subject to the prohibitions
10 in sections 493.130 and 493.140.]

EXPLANATION: THE COUNCIL CREATED IN THIS SECTION DOES NOT
EXIST:

[620.050. 1. There is hereby created, within the

2 department of economic development, the "Entrepreneurial
3 Development Council". The entrepreneurial development council
4 shall consist of seven members from businesses located within the
5 state and licensed attorneys with specialization in intellectual
6 property matters. All members of the council shall be appointed by
7 the governor with the advice and consent of the senate. The terms
8 of membership shall be set by the department of economic
9 development by rule as deemed necessary and reasonable. Once
10 the department of economic development has set the terms of
11 membership, such terms shall not be modified and shall apply to
12 all subsequent members.

13 2. The entrepreneurial development council shall, as
14 provided by department rule, impose a registration fee sufficient to
15 cover costs of the program for entrepreneurs of this state who
16 desire to avail themselves of benefits, provided by the council, to
17 registered entrepreneurs.

18 3. There is hereby established in the state treasury, the
19 "Entrepreneurial Development and Intellectual Property Right
20 Protection Fund" to be held separate and apart from all other
21 public moneys and funds of the state. The entrepreneurial
22 development and intellectual property right protection fund may
23 accept state and federal appropriations, grants, bequests, gifts, fees
24 and awards to be held for use by the entrepreneurial development
25 council. Notwithstanding provisions of section 33.080 to the
26 contrary, moneys remaining in the fund at the end of any biennium
27 shall not revert to general revenue.

28 4. Upon notification of an alleged infringement of
29 intellectual property rights of an entrepreneur, the entrepreneurial
30 development council shall evaluate such allegations of infringement
31 and may, based upon need, award grants or financial assistance to
32 subsidize legal expenses incurred in instituting legal action
33 necessary to remedy the alleged infringement. Pursuant to rules
34 promulgated by the department, the entrepreneurial development
35 council may allocate moneys from entrepreneurial development and
36 intellectual property right protection fund, in the form of
37 low-interest loans and grants, to registered entrepreneurs for the

38 purpose of providing financial aid for product development,
39 manufacturing, and advertising of new products.

40 5. Any rule or portion of a rule, as that term is defined in
41 section 536.010, that is created under the authority delegated in
42 this section shall become effective only if it complies with and is
43 subject to all of the provisions of chapter 536 and, if applicable,
44 section 536.028. This section and chapter 536 are nonseverable
45 and if any of the powers vested with the general assembly pursuant
46 to chapter 536 to review, to delay the effective date, or to
47 disapprove and annul a rule are subsequently held
48 unconstitutional, then the grant of rulemaking authority and any
49 rule proposed or adopted after August 28, 2008, shall be invalid
50 and void.]

EXPLANATION: THIS SECTION IS OBSOLETE; THERE HAVE BEEN NO
APPROPRIATIONS FROM THE FUND CREATED UNDER THIS SECTION
SINCE ITS AUTHORIZATION IN 2008:

2 [640.219. 1. There is hereby created in the state treasury
3 the "Studies in Energy Conservation Fund", which shall consist of
4 moneys appropriated by the general assembly or donated by any
5 individual or entity. The fund shall be administered by the
6 department of higher education in coordination with the
7 department of natural resources. Upon appropriation, money in
8 the fund shall be used solely for the purposes set forth in this
9 section and for any administrative expenses involving the
10 implementation of this section. Notwithstanding the provisions of
11 section 33.080 to the contrary, any moneys remaining in the fund
12 at the end of the biennium shall not revert to the credit of the
13 general revenue fund. The state treasurer shall invest moneys in
14 the fund in the same manner as other funds are invested. Any
15 interest and moneys earned on such investments shall be credited
16 to the fund.

17 2. Subject to an initial appropriation from the fund, there
18 is hereby established at the discretion of the department of higher
19 education in coordination with the department of natural resources
20 a full professorship of energy efficiency and conservation.

3. At such time as the professorship of energy efficiency and

conservation required by subsection 2 of this section has been established, the department of higher education in coordination with the department of natural resources may appropriate any remaining moneys from the fund for the purpose of establishing substantially similar full professorships of energy efficiency and conservation at any public university within this state.

4. The duties of the full professor of energy efficiency and conservation and of any professors holding positions established under subsection 3 of this section shall primarily be to conduct studies and research regarding energy efficiency, but may also include studies and research regarding renewable energy. Such research may involve the evaluation of policy proposals and legislation relating to energy efficiency or renewable energy.]

✓

Bill

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