

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 17

AN ACT

To repeal sections 70.600, 169.141, 169.560, 169.715, 215.030, and 260.035, RSMo, and to enact in lieu thereof seven new sections relating to public employee retirement systems, with an emergency clause for a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 70.600, 169.141, 169.560, 169.715,
2 215.030, and 260.035, RSMo, are repealed and seven new sections
3 enacted in lieu thereof, to be known as sections 70.600, 70.631,
4 169.141, 169.560, 169.715, 215.030, and 260.035, to read as
5 follows:

6 70.600. The following words and phrases as used in sections
7 70.600 to 70.755, unless a different meaning is plainly required
8 by the context, shall mean:

9 (1) "Accumulated contributions", the total of all amounts
10 deducted from the compensations of a member and standing to the
11 member's credit in his or her individual account in the members
12 deposit fund, together with investment credits thereon;

13 (2) "Actuarial equivalent", a benefit of equal reserve
14 value;

15 (3) "Allowance", the total of the annuity and the pension.
16 All allowances shall be paid not later than the tenth day of each
17 calendar month;

18 (4) "Annuity", a monthly amount derived from the

1 accumulated contributions of a member and payable by the system
2 throughout the life of a person or for a temporary period;

3 (5) "Beneficiary", any person who is receiving or
4 designated to receive a system benefit, except a retirant;

5 (6) "Benefit program", a schedule of benefits or benefit
6 formulas from which the amounts of system benefits can be
7 determined;

8 (7) "Board of trustees" or "board", the board of trustees
9 of the system;

10 (8) "Compensation", the remuneration paid an employee by a
11 political subdivision or by an elected fee official of the
12 political subdivision for personal services rendered by the
13 employee for the political subdivision or for the elected fee
14 official in the employee's public capacity; provided, that for an
15 elected fee official, "compensation" means that portion of his or
16 her fees which is net after deduction of (a) compensation paid by
17 such elected fee official to his or her office employees, if any,
18 and (b) the ordinary and necessary expenses paid by such elected
19 fee official and attributable to the operation of his or her
20 office. In cases where an employee's compensation is not all
21 paid in money, the political subdivision shall fix the reasonable
22 value of the employee's compensation not paid in money. In
23 determining compensation no consideration shall be given to:

24 (a) Any nonrecurring single sum payment paid by an
25 employer;

26 (b) Employer contributions to any employee benefit plan or
27 trust;

28 (c) Any other unusual or nonrecurring remuneration; or

1 (d) Compensation in excess of the limitations set forth in
2 Internal Revenue Code Section 401(a)(17). The limitation on
3 compensation for eligible employees shall not be less than the
4 amount which was allowed to be taken into account under the
5 system as in effect on July 1, 1993. For purposes of this
6 paragraph, an "eligible employee" is an individual who was a
7 member of the system before the first plan year beginning after
8 December 31, 1995;

9 (9) "Credited service", the total of a member's prior
10 service and membership service, to the extent such service is
11 standing to the member's credit as provided in sections 70.600 to
12 70.755;

13 (10) "Employee", any person regularly employed by a
14 political subdivision who receives compensation from the
15 political subdivision for personal services rendered the
16 political subdivision, including any elected official of the
17 political subdivision whose position requires his or her regular
18 personal services and who is compensated wholly or in part on a
19 fee basis, and including the employees of such elected fee
20 officials who may be compensated by such elected fee officials.
21 The term "employee" may include any elected county official. The
22 term "employee" shall not include any person:

23 (a) Who is not an elected official of the political
24 subdivision and who is included as an active member in any other
25 plan similar in purpose to this system by reason of his or her
26 employment with his or her political subdivision, except the
27 federal Social Security Old Age, Survivors, and Disability
28 Insurance Program, as amended; or

1 (b) Who acts for the political subdivision under contract;
2 or

3 (c) Who is paid wholly on a fee basis, except elected
4 officials and their employees; or

5 (d) Who holds the position of mayor, presiding judge,
6 president or chairman of the political subdivision or is a member
7 of the governing body of the political subdivision; except that,
8 such an official of a political subdivision having ten or more
9 other employees may become a member if the official is covered
10 under the federal Social Security Old Age, Survivors, and
11 Disability Insurance Program, as amended, by reason of such
12 official's employment with his or her political subdivision, by
13 filing written application for membership with the board after
14 the date the official qualifies for such position or within
15 thirty days after the date his or her political subdivision
16 becomes an employer, whichever date is later;

17 (11) "Employer", any political subdivision which has
18 elected to have all its eligible employees covered by the system;

19 (12) "Final average salary", the monthly average of the
20 compensations paid an employee during the period of sixty or, if
21 an election has been made in accordance with section 70.656,
22 thirty-six consecutive months of credited service producing the
23 highest monthly average, which period is contained within the
24 period of one hundred twenty consecutive months of credited
25 service immediately preceding his or her termination of
26 membership. Should a member have less than sixty or, if an
27 election has been made in accordance with section 70.656, thirty-
28 six months of credited service, "final average salary" means the

1 monthly average of compensation paid the member during his or her
2 total months of credited service;

3 (13) "Fireman", any regular or permanent employee of the
4 fire department of a political subdivision, including a
5 probationary fireman. The term "fireman" shall not include:

6 (a) Any volunteer fireman; or

7 (b) Any civilian employee of a fire department; or

8 (c) Any person temporarily employed as a fireman for an
9 emergency;

10 (14) "Member", any employee included in the membership of
11 the system;

12 (15) "Membership service", employment as an employee with
13 the political subdivision from and after the date such political
14 subdivision becomes an employer, which employment is creditable
15 as service hereunder;

16 (16) "Minimum service retirement age", age sixty for a
17 member who is neither public safety personnel as defined in
18 section 70.631, a policeman, nor a fireman; "minimum service
19 retirement age", age fifty-five for a member who is public safety
20 personnel as defined in section 70.631, a policeman, or a
21 fireman;

22 (17) "Pension", a monthly amount derived from contributions
23 of an employer and payable by the system throughout the life of a
24 person or for a temporary period;

25 (18) "Policeman", any regular or permanent employee of the
26 police department of a political subdivision, including a
27 probationary policeman. The term "policeman" shall not include:

28 (a) Any civilian employee of a police department; or

1 (b) Any person temporarily employed as a policeman for an
2 emergency;

3 (19) "Political subdivision", any governmental subdivision
4 of this state created pursuant to the laws of this state, and
5 having the power to tax, except public school districts; a board
6 of utilities or a board of public works which is required by
7 charter or ordinance to establish the compensation of employees
8 of the utility separate from the compensation of other employees
9 of the city may be considered a political subdivision for
10 purposes of sections 70.600 to 70.755; a joint municipal utility
11 commission may be considered a political subdivision for purposes
12 of sections 70.600 to 70.755;

13 (20) "Prior service", employment as an employee with the
14 political subdivision prior to the date such political
15 subdivision becomes an employer, which employment is creditable
16 as service hereunder;

17 (21) "Regular interest" or "investment credits", such
18 reasonable rate or rates per annum, compounded annually, as the
19 board shall adopt annually;

20 (22) "Reserve", the present value of all payments to be
21 made on account of any system benefit based upon such tables of
22 experience and regular interest as the board shall adopt from
23 time to time;

24 (23) "Retirant", a former member receiving a system
25 allowance by reason of having been a member;

26 (24) "Retirement system" or "system", the Missouri local
27 government employees' retirement system.

28 70.631. 1. Each political subdivision may, by majority

1 vote of its governing body, elect to cover emergency
2 telecommunicators, jailors, and emergency medical service
3 personnel as public safety personnel members of the system. The
4 clerk or secretary of the political subdivision shall certify an
5 election concerning the coverage of emergency telecommunicators,
6 jailors, and emergency medical service personnel as public safety
7 personnel members of the system to the board within ten days
8 after such vote. The date in which the political subdivision's
9 election becomes effective shall be the first day of the calendar
10 month specified by such governing body, the first day of the
11 calendar month next following receipt by the board of the
12 certification of the election, or the effective date of the
13 political subdivision's becoming an employer, whichever is the
14 latest date. Such election shall not be changed after the
15 effective date. If the election is made, the coverage provisions
16 shall be applicable to all past and future employment with the
17 employer by present and future employees. If a political
18 subdivision makes no election under this section, no emergency
19 telecommunicator, jailor, or emergency medical service personnel
20 of the political subdivision shall be considered public safety
21 personnel for purposes determining a minimum service retirement
22 age as defined in section 70.600.

23 2. If an employer elects to cover emergency
24 telecommunicators, jailors, and emergency medical service
25 personnel as public safety personnel members of the system, the
26 employer's contributions shall be correspondingly changed
27 effective the same date as the effective date of the political
28 subdivision's election.

1 3. The limitation on increases in an employer's
2 contributions provided by subsection 6 of section 70.730 shall
3 not apply to any contribution increase resulting from an employer
4 making an election under the provisions of this section.

5 4. The provisions of this section shall only apply to
6 counties of the third classification and any county of the first
7 classification with more than seventy thousand but fewer than
8 eighty-three thousand inhabitants and with a city of the fourth
9 classification with more than thirteen thousand five hundred but
10 fewer than sixteen thousand inhabitants as the county seat, and
11 any political subdivisions located, in whole or in part, within
12 such counties.

13 169.141. 1. Any person receiving a retirement allowance
14 under sections 169.010 to 169.140, and who elected a reduced
15 retirement allowance under subsection 3 of section 169.070 with
16 his or her spouse as the nominated beneficiary, may nominate a
17 successor beneficiary under either of the following
18 circumstances:

19 (1) If the nominated beneficiary precedes the retired
20 person in death, the retired person may, upon remarriage,
21 nominate the new spouse under the same option elected in the
22 application for retirement;

23 (2) If the marriage of the retired person and the nominated
24 beneficiary is dissolved, and if the dissolution decree provides
25 for sole retention by the retired person of all rights in the
26 retirement allowance, the retired person may, upon remarriage,
27 nominate the new spouse under the same option elected in the
28 application for retirement.

1 2. Any nomination of a successor beneficiary under
2 subdivision (1) or (2) of subsection 1 of this section must be
3 made in accordance with procedures established by the board of
4 trustees, and must be filed within ninety days of May 6, 1993, or
5 within one year of the remarriage, whichever later occurs. Upon
6 receipt of a successor nomination filed in accordance with those
7 procedures, the board shall adjust the retirement allowance to
8 reflect actuarial considerations of that nomination as well as
9 previous beneficiary and successor beneficiary nominations.

10 3. Any person receiving a retirement allowance under
11 sections 169.010 to 169.140 who elected a reduced retirement
12 allowance under subsection 3 of section 169.070 with his or her
13 spouse as the nominated beneficiary may have the retirement
14 allowance increased to the amount the retired member would be
15 receiving had the retired member elected option 1 if:

16 (1) The marriage of the retired person and the nominated
17 spouse is dissolved on or after September 1, 2017[;

18 (2) The], and the dissolution decree provides for sole
19 retention by the retired person of all rights in the retirement
20 allowance; [and] or

21 (2) The marriage of the retired person and the nominated
22 spouse was dissolved before September 1, 2017, and:

23 (a) The dissolution decree provides for sole retention by
24 the retired person of all rights in the retirement allowance, and
25 the parties obtain an amended or modified dissolution decree
26 after September 1, 2017, providing for the immediate removal of
27 the nominated spouse, or the nominated spouse consents in writing
28 to his or her immediate removal as nominated beneficiary and

1 disclaims all rights to future benefits to the satisfaction of
2 the board of trustees; or

3 (b) The dissolution decree does not provide for sole
4 retention by the retired person of all rights in the retirement
5 allowance and the parties obtain an amended or modified
6 dissolution decree after September 1, 2017, which provides for
7 sole retention by the retired person of all rights in the
8 retirement allowance; and

9 (3) The person receives a retirement allowance under
10 subsection 3 of section 169.070.

11
12 Any such increase in the retirement allowance shall be effective
13 upon the receipt of an application for such increase and a
14 certified copy of the decree of dissolution and separation
15 agreement, if applicable, that meets the requirements of this
16 section.

17 169.560. 1. Any person retired and currently receiving a
18 retirement allowance pursuant to sections 169.010 to 169.141,
19 other than for disability, may be employed in any capacity for an
20 employer included in the retirement system created by those
21 sections on either a part-time or temporary-substitute basis not
22 to exceed a total of five hundred fifty hours in any one school
23 year, and through such employment may earn up to fifty percent of
24 the annual compensation payable under the employer's salary
25 schedule for the position or positions filled by the retiree,
26 given such person's level of experience and education, without a
27 discontinuance of the person's retirement allowance. If the
28 employer does not utilize a salary schedule, or if the position

1 in question is not subject to the employer's salary schedule, a
2 retiree employed in accordance with the provisions of this
3 subsection may earn up to fifty percent of the annual
4 compensation paid to the person or persons who last held such
5 position or positions. If the position or positions did not
6 previously exist, the compensation limit shall be determined in
7 accordance with rules duly adopted by the board of trustees of
8 the retirement system; provided that, it shall not exceed fifty
9 percent of the annual compensation payable for the position by
10 the employer that is most comparable to the position filled by
11 the retiree. In any case where a retiree fills more than one
12 position during the school year, the fifty-percent limit on
13 permitted earning shall be based solely on the annual
14 compensation of the highest paid position occupied by the retiree
15 for at least one-fifth of the total hours worked during the year.
16 Such a person shall not contribute to the retirement system or to
17 the public education employee retirement system established by
18 sections 169.600 to 169.715 because of earnings during such
19 period of employment. If such a person is employed in any
20 capacity by such an employer in excess of the limitations set
21 forth in this subsection, the person shall not be eligible to
22 receive the person's retirement allowance for any month during
23 which the person is so employed. In addition, such person shall
24 contribute to the retirement system if the person satisfies the
25 retirement system's membership eligibility requirements. In
26 addition to the conditions set forth above, this subsection shall
27 apply to any person retired and currently receiving a retirement
28 allowance under sections 169.010 to 169.141, other than for

1 disability, who is employed by a third party or is performing
2 work as an independent contractor, if such person is performing
3 work for an employer included in the retirement system as a
4 temporary or long-term substitute teacher or in any other
5 position that would normally require that person to be duly
6 certificated under the laws governing the certification of
7 teachers in Missouri if such person was employed by the district.
8 The retirement system may require the employer, the third-party
9 employer, the independent contractor, and the retiree subject to
10 this subsection to provide documentation showing compliance with
11 this subsection. If such documentation is not provided, the
12 retirement system may deem the retiree to have exceeded the
13 limitations provided in this subsection.

14 2. Notwithstanding any other provision of this section, any
15 person retired and currently receiving a retirement allowance in
16 accordance with sections 169.010 to 169.141, other than for
17 disability, may be employed by an employer included in the
18 retirement system created by those sections in a position that
19 does not normally require a person employed in that position to
20 be duly certificated under the laws governing the certification
21 of teachers in Missouri, and through such employment may earn up
22 to sixty percent of the minimum teacher's salary as set forth in
23 section 163.172, without a discontinuance of the person's
24 retirement allowance. Such person shall not contribute to the
25 retirement system or to the public education employee retirement
26 system established by sections 169.600 to 169.715 because of
27 earnings during such period of employment, and such person shall
28 not earn membership service for such employment. The employer's

1 contribution rate shall be paid by the hiring employer into the
2 public education employee retirement system established by
3 sections 169.600 to 169.715. If such a person is employed in any
4 capacity by an employer in excess of the limitations set forth in
5 this subsection, the person shall not be eligible to receive the
6 person's retirement allowance for any month during which the
7 person is so employed. In addition, such person shall become a
8 member of and contribute to any retirement system described in
9 this subsection if the person satisfies the retirement system's
10 membership eligibility requirements. The provisions of this
11 subsection shall not apply to any person retired and currently
12 receiving a retirement allowance in accordance with sections
13 169.010 to 169.141 employed by a public community college.

14 169.715. 1. Any person receiving a retirement allowance
15 under sections 169.600 to 169.712, and who elected a reduced
16 retirement allowance under subsection 4 of section 169.670 with
17 his or her spouse as the nominated beneficiary, may nominate a
18 successor beneficiary under either of the following
19 circumstances:

20 (1) If the nominated beneficiary precedes the retired
21 person in death, the retired person may, upon remarriage,
22 nominate the new spouse under the same option elected in the
23 application for retirement;

24 (2) If the marriage of the retired person and the nominated
25 beneficiary is dissolved, and if the dissolution decree provides
26 for sole retention by the retired person of all rights in the
27 retirement allowance, the retired person may, upon remarriage,
28 nominate the new spouse under the same option elected in the

1 application for retirement.

2 2. Any nomination of a successor beneficiary under
3 subdivision (1) or (2) of subsection 1 of this section must be
4 made in accordance with procedures established by the board of
5 trustees, and must be filed within ninety days of May 6, 1993, or
6 within one year of the remarriage, whichever later occurs. Upon
7 receipt of a successor nomination filed in accordance with those
8 procedures, the board shall adjust the retirement allowance to
9 reflect actuarial considerations of that nomination as well as
10 previous beneficiary and successor beneficiary nominations.

11 3. Any person receiving a retirement allowance under
12 sections 169.600 to 169.715 who elected a reduced retirement
13 allowance under subsection 4 of section 169.670 with his or her
14 spouse as the nominated beneficiary may have the retirement
15 allowance increased to the amount the retired member would be
16 receiving had the retired member elected option 1 if:

17 (1) The marriage of the retired person and the nominated
18 spouse is dissolved on or after September 1, 2017[;

19 (2) The], and the dissolution decree provides for sole
20 retention by the retired person of all rights in the retirement
21 allowance; [and] or

22 (2) The marriage of the retired person and the nominated
23 spouse was dissolved before September 1, 2017, and:

24 (a) The dissolution decree provides for sole retention by
25 the retired person of all rights in the retirement allowance, and
26 the parties obtain an amended or modified dissolution decree
27 after September 1, 2017, providing for the immediate removal of
28 the nominated spouse, or the nominated spouse consents in writing

1 to his or her immediate removal as nominated beneficiary and
2 disclaims all rights to future benefits to the satisfaction of
3 the board of trustees; or

4 (b) The dissolution decree does not provide for sole
5 retention by the retired person of all rights in the retirement
6 allowance and the parties obtain an amended or modified
7 dissolution decree after September 1, 2017, which provides for
8 sole retention by the retired person of all rights in the
9 retirement allowance; and

10 (3) The person receives a retirement allowance under
11 subsection 4 of section 169.670.

12
13 Any such increase in the retirement allowance shall be effective
14 upon the receipt of an application for such increase and a
15 certified copy of the decree of dissolution and separation
16 agreement, if applicable, that meets the requirements of this
17 section.

18 215.030. 1. The commission is hereby granted, has and may
19 exercise all powers necessary or appropriate to carry out and
20 effectuate its purpose, including but not limited to the
21 following:

22 (1) To make, purchase, or participate in the purchase of
23 uninsured, partially insured, or fully insured loans, including
24 mortgages insured or otherwise guaranteed by the federal
25 government, or mortgages insured or otherwise guaranteed by other
26 insurers of mortgages to approved mortgagors to finance the
27 building, rehabilitation, or purchase of residential housing
28 designed and planned to be available for rental or sale to low-

1 income or moderate-income persons or families, as well as to
2 finance the building, rehabilitation, or purchase of residential
3 housing in distressed communities as defined in section 135.530
4 planned to be available for rental or sale to persons or families
5 of any income level, or which will be occupied and owned by low-
6 income or moderate-income persons, persons of any income level in
7 distressed communities, or families upon such terms as designated
8 in sections 215.010, 215.030, 215.060, 215.070, 215.090, and
9 215.160; or to purchase or participate in the purchase of any
10 other securities which are secured, directly or indirectly, by
11 any such loan;

12 (2) Insure any loan, the funds of which are to be used for
13 the purposes of sections 215.010 to 215.250 and the borrower of
14 which agrees to the restrictions placed on such projects by the
15 commission;

16 (3) To make or participate in the making of uninsured or
17 federally insured construction loans to approve mortgagors of
18 residential housing for occupancy by persons and families of low
19 to moderate income or occupancy by persons and families of any
20 income level in distressed communities as defined in section
21 135.530. Such loans shall be made only upon determination by the
22 commission that construction loans are not otherwise available,
23 wholly or in part, from private lenders upon reasonably
24 equivalent terms and conditions. No commitment for a loan,
25 except a "commitment in principle", shall be made unless all
26 plans for development have been completed and submitted to the
27 commission;

28 (4) To make temporary loans, with or without interest, but

1 with such security for repayment as the commission deems
2 reasonably necessary and practicable, to defray development costs
3 to approved mortgagors of residential housing for occupancy by
4 persons and families of low and moderate income;

5 (5) Adopt bylaws for the regulation of its affairs and the
6 conduct of its business and define, from time to time, the terms
7 "low-income" and "moderate-income" so as to best carry out the
8 purposes of sections 215.010 to 215.250 for the people intended
9 hereby to be assisted. The definition may vary from one part of
10 the state to another depending on economic factors in each
11 section;

12 (6) To accept appropriations, gifts, grants, bequests, and
13 devises and to utilize or dispose of the same to carry out its
14 purpose;

15 (7) To make and execute contracts, releases, compromises,
16 and other instruments necessary or convenient for the exercise of
17 its powers, or to carry out its purpose;

18 (8) To collect reasonable fees and charges in connection
19 with making and servicing its loans, notes, bonds, obligations,
20 commitments, and other evidences of indebtedness, and in
21 connection with providing technical, consultative, and project
22 assistant services. Such fees and charges shall be limited to
23 the amounts required to pay the costs of the commission,
24 including operating and administrative expenses, and reasonable
25 allowances for losses which may be incurred;

26 (9) To invest any funds not required for immediate
27 disbursement in obligations of the state of Missouri or of the
28 United States government or any instrumentality thereof, the

1 principal and interest of which are guaranteed by the state of
2 Missouri, or the United States government or any instrumentality
3 thereof, or bank certificates of deposit, or, in the case of
4 funds pledged to note or bond issues of the commission, in such
5 investments as the commission may determine; provided that, on
6 the date of issuance such note or bond issues are rated by
7 Standard & Poor's Corporation not lower than "AA" in the case of
8 long-term obligations or "SP-1+" in the case of short-term
9 obligations, or rated by Moody's Investors Service, Inc., not
10 lower than "Aa" in the case of long-term obligations or Moody's
11 Investment Grade I in the case of short-term obligations, or the
12 equivalent ratings by such rating agencies in the event the
13 ratings described in this section are changed;

14 (10) To sue and be sued;

15 (11) To have a seal and alter the same at will;

16 (12) To make, and from time to time, amend and repeal
17 bylaws, rules, and regulations not inconsistent with the
18 provisions of sections 215.010 to 215.250;

19 (13) To acquire, hold, and dispose of personal property for
20 its purposes;

21 (14) To enter into agreements or other transactions with
22 any federal or state agency, any person and any domestic or
23 foreign partnership, corporation, association, or organization;

24 (15) To acquire real property, or an interest therein, in
25 its own name, to sell, transfer, and convey any such property to
26 a buyer, to lease such property to a tenant to manage and operate
27 such property, to enter into management contracts with respect to
28 such property, and to mortgage such property;

1 (16) To sell, at public or private sale, any mortgage,
2 negotiable instrument or obligation securing a construction, land
3 development, mortgage, or temporary loan;

4 (17) To procure insurance against any loss in connection
5 with its property in such amounts, and from such insurers, as may
6 be necessary or desirable;

7 (18) To consent, whenever it deems it necessary or
8 desirable in the fulfillment of its purpose, to the modification
9 of the rate of interest, time of payment, or any installment of
10 principal or interest, or any other terms, of any mortgage loan,
11 mortgage loan commitment, construction loan, temporary loan,
12 contract, or agreement of any kind to which the commission is a
13 party;

14 (19) To make and publish rules and regulations respecting
15 its lending, insurance of loans, federally insured construction
16 lending, and temporary lending to defray development costs and
17 any such other rules and regulations as are necessary to
18 effectuate its purpose;

19 (20) To borrow money to carry out and effectuate its
20 purpose and to issue its negotiable bonds or notes as evidence of
21 any such borrowing in such principal amounts and upon such terms
22 as shall be necessary to provide sufficient funds for achieving
23 its purpose, and to secure such bonds or notes by the pledge of
24 revenues, mortgages, or notes of others;

25 (21) To issue renewal notes, to issue bonds to pay notes,
26 and whenever it deems refunding expedient, to refund any bonds by
27 the issuance of new bonds, whether the bonds to be refunded have
28 or have not matured;

1 (22) To apply the proceeds from the sale of renewal notes
2 or refunding bonds to the purchase, redemption, or payment of the
3 notes or bonds to be refunded;

4 (23) To provide technical services to assist in the
5 planning, processing, design, construction, or rehabilitation of
6 residential housing for occupancy by persons and families of low
7 and moderate income, persons and families in distressed
8 communities as defined in section 135.530 of any income level, or
9 land development for residential housing for occupancy by persons
10 and families of low and moderate income or persons and families
11 in distressed communities of any income level;

12 (24) To provide consultative project assistance services
13 for residential housing for occupancy by persons and families of
14 low and moderate income or persons and families of any income
15 level in distressed communities as defined in section 135.530 and
16 for land development for residential housing for occupancy by
17 persons and families of low and moderate income, or for persons
18 and families of any income level in distressed communities and
19 for the residents thereof with respect to management, training
20 and social services;

21 (25) To promote research and development in scientific
22 methods of constructing low cost residential housing of high
23 durability; and

24 (26) To make, purchase, or participate in the purchase of
25 uninsured, partially insured, or fully insured loans and home
26 improvement loans to sponsors to finance the weatherization of
27 single and multifamily dwellings, and shall issue its negotiable
28 bonds or notes for such purpose.

1 2. Any rule or portion of a rule, as that term is defined
2 in section 536.010, that is promulgated under the authority of
3 this chapter, shall become effective only if the agency has fully
4 complied with all of the requirements of chapter 536 including
5 but not limited to, section 536.028 if applicable, after January
6 1, 1999. All rulemaking authority delegated prior to January 1,
7 1999, is of no force and effect and repealed as of January 1,
8 1999, however nothing in this act shall be interpreted to repeal
9 or affect the validity of any rule adopted and promulgated prior
10 to January 1, 1999. If the provisions of section 536.028 apply,
11 the provisions of this section are nonseverable and if any of the
12 powers vested with the general assembly pursuant to section
13 536.028 to review, to delay the effective date, or to disapprove
14 and annul a rule or portion of a rule are held unconstitutional
15 or invalid, the purported grant of rulemaking authority and any
16 rule so proposed and contained in the order of rulemaking shall
17 be invalid and void, except that nothing in this act shall affect
18 the validity of any rule adopted and promulgated prior to January
19 1, 1999.

20 3. All employees of the commission shall be eligible for
21 membership in the Missouri state employees' retirement system,
22 subject to all provisions in chapters 104 and 105 applicable to
23 the system.

24 260.035. 1. The authority is hereby granted and may
25 exercise all powers necessary or appropriate to carry out and
26 effectuate its purposes pursuant to the provisions of sections
27 260.005 to 260.125, including, but not limited to, the following:

28 (1) To adopt bylaws and rules after having held public

1 hearings thereon for the regulation of its affairs and the
2 conduct of its business;

3 (2) To adopt an official seal;

4 (3) To maintain a principal office and such other offices
5 within the state as it may designate;

6 (4) To sue and be sued;

7 (5) To make and execute leases, contracts, releases,
8 compromises, and other instruments necessary or convenient for
9 the exercise of its powers or to carry out its purposes;

10 (6) To acquire, construct, reconstruct, enlarge, improve,
11 furnish, equip, maintain, repair, operate, lease, finance, and
12 sell equipment, structures, systems, and projects and to lease
13 the same to any private person, firm, or corporation, or to any
14 public body, political subdivision, or municipal corporation.

15 Any such lease may provide for the construction of the project by
16 the lessee;

17 (7) To issue bonds and notes as hereinafter provided and to
18 make, purchase, or participate in the purchase of loans or
19 municipal obligations and to guarantee loans to finance the
20 acquisition, construction, reconstruction, enlargement,
21 improvement, furnishing, equipping, maintaining, repairing,
22 operating, or leasing of a project;

23 (8) To invest any funds not required for immediate
24 disbursement in obligations of the state of Missouri or of the
25 United States or any agency or instrumentality thereof, or in
26 bank certificates of deposit; provided, however, the foregoing
27 limitations on investments shall not apply to proceeds acquired
28 from the sale of bonds or notes which are held by a corporate

1 trustee pursuant to section 260.060;

2 (9) To acquire by gift or purchase, hold and dispose of
3 real and personal property in the exercise of its powers and the
4 performance of its duties hereunder;

5 (10) To employ managers and other employees and retain or
6 contract with architects, engineers, accountants, financial
7 consultants, attorneys, and such other persons, firms, or
8 corporations who are necessary in its judgment to carry out its
9 duties, and to fix the compensation thereof;

10 (11) To receive and accept appropriations, bequests, gifts,
11 and grants and to utilize or dispose of the same to carry out its
12 purposes pursuant to the provisions of sections 260.005 to
13 260.125;

14 (12) To engage in research and development with respect to
15 pollution control facilities and solid waste or sewage disposal
16 facilities, [and] water facilities, resource recovery facilities,
17 and the development of energy resources;

18 (13) To collect rentals, fees, and other charges in
19 connection with its services or for the use of any project
20 hereunder;

21 (14) To sell at private sale any of its property or
22 projects to any private person, firm, or corporation, or to any
23 public body, political subdivision, or municipal corporation, on
24 such terms as it deems advisable, including the right to receive
25 for such sale the note or notes of any such person to whom the
26 sale is made. Any such sale shall provide for payments adequate
27 to pay the principal of and interest and premiums, if any, on the
28 bonds or notes issued to finance such project or portion thereof.

1 Any such sale may provide for the construction of the project by
2 the purchaser of the project;

3 (15) To make, purchase, or participate in the purchase of
4 loans to finance the development and marketing of:

5 (a) Means of energy production utilizing energy sources
6 other than fossil or nuclear fuel, including, but not limited to,
7 wind, water, solar, biomass, solid waste, and other renewable
8 energy resource technologies;

9 (b) Fossil fuels and recycled fossil fuels which are
10 indigenous energy resources produced in the state of Missouri,
11 including coal, heavy oil, and tar sands; and

12 (c) Synthetic fuels produced in the state of Missouri;

13 (16) To insure any loan, the funds of which are to be used
14 for the development and marketing of energy resources as
15 authorized by sections 260.005 to 260.125;

16 (17) To make temporary loans, with or without interest, but
17 with such security for repayment as the authority deems
18 reasonably necessary and practicable, to defray development costs
19 of energy resource development projects;

20 (18) To collect reasonable fees and charges in connection
21 with making and servicing its loans, notes, bonds and
22 obligations, commitments, and other evidences of indebtedness
23 made, issued or entered into to develop energy resources, and in
24 connection with providing technical, consultative, and project
25 assistance services in the area of energy development. Such fees
26 and charges shall be limited to the amounts required to pay the
27 costs of the authority, including operating and administrative
28 expenses, and reasonable allowance for losses which may be

1 incurred;

2 (19) To enter into agreements or other transactions with
3 any federal or state agency, any person and any domestic or
4 foreign partnership, corporation, association, or organization to
5 carry out the provisions of sections 260.005 to 260.125;

6 (20) To sell, at public or private sale, any mortgage and
7 any real or personal property subject to that mortgage,
8 negotiable instrument, or obligation securing any loan;

9 (21) To procure insurance against any loss in connection
10 with its property in such amounts, and from such insurers, as may
11 be necessary or desirable;

12 (22) To consent to the modification of the rate of
13 interest, time of payment for any installment of principal or
14 interest, or any other terms, of any loan, loan commitment,
15 temporary loan, contract, or agreement made directly by the
16 authority;

17 (23) To make and publish rules and regulations concerning
18 its lending, insurance of loans, and temporary lending to defray
19 development costs, along with such other rules and regulations as
20 are necessary to effectuate its purposes. No rule or portion of
21 a rule promulgated under the authority of sections 260.005 to
22 260.125 shall become effective unless it has been promulgated
23 pursuant to the provisions of section 536.024;

24 (24) To borrow money to carry out and effectuate its
25 purpose in the area of energy resource development and to issue
26 its negotiable bonds or notes as evidence of any such borrowing
27 in such principal amounts and upon such terms as shall be
28 determined by the authority, and to secure such bonds or notes by

1 the pledge of revenues, mortgages, or notes of others as
2 authorized by sections 260.005 to 260.125.

3 2. The authority shall develop a hazardous waste facility
4 if the study required in section 260.037 demonstrates that a
5 facility is economically feasible. The facility, which shall not
6 include a hazardous waste landfill, may be operated by any
7 eligible party as specified in this section. The authority shall
8 begin development of the facility by July 1, 1985.

9 3. All employees of the authority shall be eligible for
10 membership in the Missouri state employees' retirement system,
11 subject to all provisions in chapters 104 and 105 applicable to
12 the system.

13 Section B. Because of the importance of retired members of
14 the Public School Retirement System in providing course
15 instruction at public community colleges, the repeal and
16 reenactment of section 169.560 of this act is deemed necessary
17 for the immediate preservation of the public health, welfare,
18 peace and safety, and is hereby declared to be an emergency act
19 within the meaning of the constitution, and the repeal and
20 reenactment of section 169.560 of this act shall be in full force
21 and effect upon its passage and approval.

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Gary Romine

Rusty Black, 7th