

SECOND REGULAR SESSION

SENATE BILL NO. 1045

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

Read 1st time February 25, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5585S.011

AN ACT

To repeal sections 8.800, 8.805, 8.830, 8.843, 23.295, 30.750, 67.2835, 135.311, 135.710, 135.950, 178.585, 186.019, 290.257, 374.007, 386.040, 386.071, 386.700, 386.710, 386.890, 393.1025, 414.400, 414.406, 414.417, 414.510, 620.010, 620.035, 620.484, 620.490, 620.511, 620.512, 620.513, 640.153, 640.157, 640.160, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, and section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second regular session, and to enact in lieu thereof forty new sections relating to the reorganization and renaming of certain state agencies.

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, 23.295, 30.750, 67.2835, 135.311, 135.710, 135.950, 178.585, 186.019, 290.257, 374.007, 386.040, 386.071, 386.700, 386.710, 386.890, 393.1025, 414.400, 414.406, 414.417, 414.510, 620.010, 620.035, 620.484, 620.490, 620.511, 620.512, 620.513, 640.153, 640.157, 640.160, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, and section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second regular session, are repealed and forty new sections enacted in lieu thereof, to be known as sections 8.800, 8.805, 8.830, 8.843, 23.295, 30.750, 67.2835, 135.311, 135.710, 135.950, 167.910, 173.2800, 173.2805, 173.2850, 173.2855, 173.2860, 178.585, 186.019, 290.257, 374.007, 386.040, 386.071, 386.700, 386.710, 386.890, 393.1025, 414.400, 414.406, 414.417, 414.510, 620.010, 640.021, 640.153, 640.157, 640.160, 640.651, 640.653, 660.135, 701.500,

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

14 and 701.509, to read as follows:

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 [economic development] **natural**
8 **resources**;

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.

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 [economic development] **natural resources**
13 shall file a joint report to the house committee on energy and environment, the
14 senate committee on energy and environment, or their successor committees, and
15 the governor on the identification of, planning for and implementation of energy
16 efficiency projects in state buildings.

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

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

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

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.

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 [economic
5 development] **natural resources**, the director of the environmental improvement
6 and energy resources authority, the director of the division of energy, the director
7 of the department of transportation, the director of the department of
8 conservation and the commissioner of higher education **and workforce**
9 **development**. The committee shall advise the department on the development
10 of the minimum energy efficiency standard and state building energy efficiency
11 rating system and shall assist the office of administration in implementing
12 sections 8.833 and 8.835.

23.295. If an employee is displaced because a program is sunset,
2 reorganized, or continued, the state agency and the division of workforce
3 development in the department of [economic development] **higher education**
4 **and workforce development** shall make a reasonable effort to relocate the
5 displaced employee.

30.750. As used in sections 30.750 to 30.765, the following terms mean:

- 2 (1) "Eligible agribusiness", a person engaged in the processing or adding
3 of value to agricultural products produced in Missouri;
- 4 (2) "Eligible alternative energy consumer", an individual who wishes to
5 borrow moneys for the purchase, installation, or construction of facilities or
6 equipment related to the production of fuel or power primarily for the individual's
7 own use from energy sources other than fossil fuels, including but not limited to
8 solar, hydroelectric, wind, and qualified biomass;
- 9 (3) "Eligible alternative energy operation", a business enterprise engaged
10 in the production of fuel or power from energy sources other than fossil fuels,
11 including but not limited to solar, hydroelectric, wind, and qualified
12 biomass. Such business enterprise shall conform to the characteristics of
13 paragraphs (a), (b), and (d) of subdivision (6) of this section;
- 14 (4) "Eligible beginning farmer":
 - 15 (a) For any beginning farmer who seeks to participate in the linked
16 deposit program alone, a farmer who:
 - 17 a. Is a Missouri resident;
 - 18 b. Wishes to borrow for a farm operation located in Missouri;
 - 19 c. Is at least eighteen years old; and

20 d. In the preceding five years has not owned, either directly or indirectly,
21 farm land greater than fifty percent of the average size farm in the county where
22 the proposed farm operation is located or farm land with an appraised value
23 greater than four hundred fifty thousand dollars. A farmer who qualifies as an
24 eligible farmer under this provision may utilize the proceeds of a linked deposit
25 loan to purchase agricultural land, farm buildings, new and used farm equipment,
26 livestock and working capital;

27 (b) For any beginning farmer who is participating in both the linked
28 deposit program and the beginning farmer loan program administered by the
29 Missouri [agriculture] **agricultural** and small business development authority,
30 a farmer who:

31 a. Qualifies under the definition of a beginning farmer utilized for
32 eligibility for federal tax-exempt financing, including the limitations on the use
33 of loan proceeds; and

34 b. Meets all other requirements established by the Missouri
35 [agriculture] **agricultural** and small business development authority;

36 (5) "Eligible facility borrower", a borrower qualified under section 30.860
37 to apply for a reduced-rate loan under sections 30.750 to 30.765;

38 (6) "Eligible farming operation", any person engaged in farming in an
39 authorized farm corporation, family farm, or family farm corporation as defined
40 in section 350.010 that has all of the following characteristics:

41 (a) Is headquartered in this state;

42 (b) Maintains offices, operating facilities, or farming operations and
43 transacts business in this state;

44 (c) Employs less than ten employees;

45 (d) Is organized for profit;

46 (7) "Eligible governmental entity", any political subdivision of the state
47 seeking to finance capital improvements, capital outlay, or other significant
48 programs through an eligible lending institution;

49 (8) "Eligible higher education institution", any approved public or private
50 institution as defined in section 173.205;

51 (9) "Eligible job enhancement business", a new, existing, or expanding
52 firm operating in Missouri, or as a condition of accepting the linked deposit, will
53 locate a facility or office in Missouri associated with said linked deposit, which
54 employs ten or more employees in Missouri on a yearly average and which, as
55 nearly as possible, is able to establish or retain at least one job in Missouri for

56 each fifty thousand dollars received from a linked deposit loan except when the
57 applicant can demonstrate significant costs for equipment, capital outlay, or
58 capital improvements associated with the physical expansion, renovation, or
59 modernization of a facility or equipment. In such cases, the maximum amount
60 of the linked deposit shall not exceed fifty thousand dollars per job created or
61 retained plus the initial cost of the physical expansion, renovation or capital
62 outlay;

63 (10) "Eligible lending institution", a financial institution that is eligible
64 to make commercial or agricultural or student loans or discount or purchase such
65 loans, is a public depository of state funds or obtains its funds through the
66 issuance of obligations, either directly or through a related entity, eligible for the
67 placement of state funds under the provisions of Section 15, Article IV,
68 Constitution of Missouri, and agrees to participate in the linked deposit program;

69 (11) "Eligible livestock operation", any person engaged in production of
70 livestock or poultry in an authorized farm corporation, family farm, or family
71 farm corporation as defined in section 350.010;

72 (12) "Eligible locally owned business", any person seeking to establish a
73 new firm, partnership, cooperative company, or corporation that shall retain at
74 least fifty-one percent ownership by residents in a county in which the business
75 is headquartered, that consists of the following characteristics:

76 (a) The county has a median population of twelve thousand five hundred
77 or less; and

78 (b) The median income of residents in the county are equal to or less than
79 the state median income; or

80 (c) The unemployment rate of the county is equal to or greater than the
81 state's unemployment rate;

82 (13) "Eligible marketing enterprise", a business enterprise operating in
83 this state which is in the process of marketing its goods, products or services
84 within or outside of this state or overseas, which marketing is designed to
85 increase manufacturing, transportation, mining, communications, or other
86 enterprises in this state, which has proposed its marketing plan and strategy to
87 the department of [economic development] **natural resources** and which plan
88 and strategy has been approved by the department for purposes of eligibility
89 pursuant to sections 30.750 to 30.765. Such business enterprise shall conform to
90 the characteristics of paragraphs (a), (b) and (d) of subdivision (6) of this section
91 and also employ less than twenty-five employees;

92 (14) "Eligible multitenant development enterprise", a new enterprise that
93 develops multitenant space for targeted industries as determined by the
94 department of [economic development] **natural resources** and approved by the
95 department for the purposes of eligibility pursuant to sections 30.750 to 30.765;

96 (15) "Eligible residential property developer", an individual who purchases
97 and develops a residential structure of either two or four units, if such residential
98 property developer uses and agrees to continue to use, for at least the five years
99 immediately following the date of issuance of the linked deposit loan, one of the
100 units as his principal residence or if such person's principal residence is located
101 within one-half mile from the developed structure and such person agrees to
102 maintain the principal residence within one-half mile of the developed structure
103 for at least the five years immediately following the date of issuance of the linked
104 deposit loan;

105 (16) "Eligible residential property owner", a person, firm or corporation
106 who purchases, develops or rehabilitates a multifamily residential structure;

107 (17) "Eligible small business", a person engaged in an activity with the
108 purpose of obtaining, directly or indirectly, a gain, benefit or advantage and
109 which conforms to the characteristics of paragraphs (a), (b) and (d) of subdivision
110 (6) of this section, and also employs less than one hundred employees or an
111 eligible veteran-owned small business as defined in subdivision (19) of this
112 section;

113 (18) "Eligible student borrower", any person attending, or the parent of
114 a dependent undergraduate attending, an eligible higher education institution in
115 Missouri who may or may not qualify for need-based student financial aid
116 calculated by the federal analysis called Congressional Methodology Formula
117 pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of
118 1986);

119 (19) "Eligible veteran-owned small business", any business owned by an
120 honorably discharged veteran and Missouri resident who has agreed to locate his
121 or her business in Missouri for a minimum of three years and employs less than
122 one hundred employees, a majority of whom are Missouri residents;

123 (20) "Eligible water supply system", a water system which serves fewer
124 than fifty thousand persons and which is owned and operated by:

125 (a) A public water supply district established pursuant to chapter 247; or

126 (b) A municipality or other political subdivision; or

127 (c) A water corporation;

128 and which is certified by the department of natural resources in accordance with
129 its rules and regulations to have suffered a significant decrease in its capacity to
130 meet its service needs as a result of drought;

131 (21) "Farming", using or cultivating land for the production of agricultural
132 crops, livestock or livestock products, forest products, poultry or poultry products,
133 milk or dairy products, or fruit or other horticultural products;

134 (22) "Linked deposit", a certificate of deposit, or in the case of production
135 credit associations, the subscription or purchase outright of obligations described
136 in Section 15, Article IV, Constitution of Missouri, placed by the state treasurer
137 with an eligible lending institution at rates otherwise provided by law in section
138 30.758, provided the institution agrees to lend the value of such deposit,
139 according to the deposit agreement provided in sections 30.750 to 30.765, to
140 eligible multitenant development enterprises, eligible small businesses, eligible
141 alternative energy operations, eligible alternative energy consumers, eligible
142 locally owned businesses, farming operations, eligible job enhancement
143 businesses, eligible marketing enterprises, eligible residential property
144 developers, eligible residential property owners, eligible governmental entities,
145 eligible agribusinesses, eligible beginning farmers, eligible livestock operations,
146 eligible student borrowers, eligible facility borrowers, or eligible water supply
147 systems at below the present borrowing rate applicable to each multitenant
148 development enterprise, small business, alternative energy operation, alternative
149 energy consumer, farming operation, eligible job enhancement business, eligible
150 marketing enterprise, eligible residential property developer, eligible residential
151 property owner, eligible governmental entity, eligible agribusiness, eligible
152 beginning farmer, eligible livestock operation, eligible student borrower, or supply
153 system at the time of the deposit of state funds in the institution;

154 (23) "Market rate", the interest rate more specifically described in
155 subsection 6 of section 30.260;

156 (24) "Professional forester", any individual who holds a bachelor of science
157 degree in forestry from a regionally accredited college or university with a
158 minimum of two years of professional forest management experience;

159 (25) "Qualified biomass", any agriculture-derived organic material or any
160 wood-derived organic material harvested in accordance with a site-specific forest
161 management plan focused on long-term forest sustainability developed by a
162 professional forester and qualified, in consultation with the conservation
163 commission, by the agriculture and small business development authority;

164 (26) "Water corporation", as such term is defined in section 386.020;

165 (27) "Water system", as such term is defined in section 386.020.

67.2835. The director of the department of [economic development]
2 **natural resources** is authorized to allocate the state's residual share, or any
3 portion thereof, of the national qualified energy conservation bond limitation
4 under Section 54D of the Internal Revenue Code of 1986, as amended, for any
5 purposes described therein to the authority, any clean energy development board,
6 the state, any political subdivision, instrumentality, or other body corporate and
7 politic.

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

135.710. 1. As used in this section, the following terms mean:

2 (1) "Alternative fuel vehicle refueling property", property in this state
3 owned by an eligible applicant and used for storing alternative fuels and for
4 dispensing such alternative fuels into fuel tanks of motor vehicles owned by such
5 eligible applicant or private citizens;

6 (2) "Alternative fuels", any motor fuel at least seventy percent of the
7 volume of which consists of one or more of the following:

8 (a) Ethanol;

9 (b) Natural gas;

10 (c) Compressed natural gas, or CNG;

11 (d) Liquified natural gas, or LNG;

12 (e) Liquified petroleum gas, or LP gas, propane, or autogas;

13 (f) Any mixture of biodiesel and diesel fuel, without regard to any use of
14 kerosene;

15 (g) Hydrogen;

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

18 (4) "Electric vehicle recharging property", property in this state owned by
19 an eligible applicant and used for recharging electric motor vehicles owned by
20 such eligible applicant or private citizens;

21 (5) "Eligible applicant", a business entity or private citizen that is the
22 owner of an electric vehicle recharging property or an alternative fuel vehicle
23 refueling property;

24 (6) "Qualified Missouri contractor", a contractor whose principal place of
25 business is located in Missouri and has been located in Missouri for a period of
26 not less than five years;

27 (7) "Qualified property", an electric vehicle recharging property or an
28 alternative fuel vehicle refueling property which, if constructed after August 28,
29 2014, was constructed with at least fifty-one percent of the costs being paid to
30 qualified Missouri contractors for the:

31 (a) Fabrication of premanufactured equipment or process piping used in
32 the construction of such facility;

33 (b) Construction of such facility; and

34 (c) General maintenance of such facility during the time period in which
35 such facility receives any tax credit under this section.

36 If no qualified Missouri contractor is located within seventy-five miles of the
37 property, the requirement that fifty-one percent of the costs shall be paid to
38 qualified Missouri contractors shall not apply.

39 2. For all tax years beginning on or after January 1, 2015, but before
40 January 1, 2018, any eligible applicant who installs and operates a qualified
41 property shall be allowed a credit against the tax otherwise due under chapter
42 143, excluding withholding tax imposed by sections 143.191 to 143.265, or due
43 under chapter 147 or chapter 148 for any tax year in which the applicant is
44 constructing the qualified property. The credit allowed in this section per eligible
45 applicant who is a private citizen shall not exceed fifteen hundred dollars or per
46 eligible applicant that is a business entity shall not exceed the lesser of twenty
47 thousand dollars or twenty percent of the total costs directly associated with the
48 purchase and installation of any alternative fuel storage and dispensing
49 equipment or any recharging equipment on any qualified property, which shall
50 not include the following:

51 (1) Costs associated with the purchase of land upon which to place a

52 qualified property;

53 (2) Costs associated with the purchase of an existing qualified property;

54 or

55 (3) Costs for the construction or purchase of any structure.

56 3. Tax credits allowed by this section shall be claimed by the eligible
57 applicant at the time such applicant files a return for the tax year in which the
58 storage and dispensing or recharging facilities were placed in service at a
59 qualified property, and shall be applied against the income tax liability imposed
60 by chapter 143, chapter 147, or chapter 148 after all other credits provided by law
61 have been applied. The cumulative amount of tax credits which may be claimed
62 by eligible applicants claiming all credits authorized in this section shall not
63 exceed one million dollars in any calendar year, subject to appropriations.

64 4. If the amount of the tax credit exceeds the eligible applicant's tax
65 liability, the difference shall not be refundable. Any amount of credit that an
66 eligible applicant is prohibited by this section from claiming in a taxable year
67 may be carried forward to any of such applicant's two subsequent taxable
68 years. Tax credits allowed under this section may be assigned, transferred, sold,
69 or otherwise conveyed.

70 5. Any qualified property, for which an eligible applicant receives tax
71 credits under this section, which ceases to sell alternative fuel or recharge electric
72 vehicles shall cause the forfeiture of such eligible applicant's tax credits provided
73 under this section for the taxable year in which the qualified property ceased to
74 sell alternative fuel or recharge electric vehicles and for future taxable years with
75 no recapture of tax credits obtained by an eligible applicant with respect to such
76 applicant's tax years which ended before the sale of alternative fuel or recharging
77 of electric vehicles ceased.

78 6. The director of revenue shall establish the procedure by which the tax
79 credits in this section may be claimed, and shall establish a procedure by which
80 the cumulative amount of tax credits is apportioned equally among all eligible
81 applicants claiming the credit. To the maximum extent possible, the director of
82 revenue shall establish the procedure described in this subsection in such a
83 manner as to ensure that eligible applicants can claim all the tax credits possible
84 up to the cumulative amount of tax credits available for the taxable year. No
85 eligible applicant claiming a tax credit under this section shall be liable for any
86 interest or penalty for filing a tax return after the date fixed for filing such return
87 as a result of the apportionment procedure under this subsection.

88 7. Any eligible applicant desiring to claim a tax credit under this section
89 shall submit the appropriate application for such credit with the
90 department. The application for a tax credit under this section shall include any
91 information required by the department. The department shall review the
92 applications and certify to the department of revenue each eligible applicant that
93 qualifies for the tax credit.

94 8. The department and the department of revenue may promulgate rules
95 to implement the provisions of this section. Any rule or portion of a rule, as that
96 term is defined in section 536.010, that is created under the authority delegated
97 in this section shall become effective only if it complies with and is subject to all
98 of the provisions of chapter 536 and, if applicable, section 536.028. This section
99 and chapter 536 are nonseverable and if any of the powers vested with the
100 general assembly pursuant to chapter 536 to review, to delay the effective date,
101 or to disapprove and annul a rule are subsequently held unconstitutional, then
102 the grant of rulemaking authority and any rule proposed or adopted after August
103 28, 2008, shall be invalid and void.

104 9. The provisions of section 23.253 of the Missouri sunset act
105 notwithstanding:

106 (1) The provisions of the new program authorized under this section shall
107 automatically sunset three years after December 31, 2014, unless reauthorized
108 by an act of the general assembly; and

109 (2) If such program is reauthorized, the program authorized under this
110 section shall automatically sunset six years after the effective date of the
111 reauthorization of this section; and

112 (3) This section shall terminate on December thirty-first of the calendar
113 year immediately following the calendar year in which the program authorized
114 under this section is sunset; and

115 (4) The provisions of this subsection shall not be construed to limit or in
116 any way impair the department's ability to redeem tax credits authorized on or
117 before the date the program authorized under this section expires or a taxpayer's
118 ability to redeem such tax credits.

 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] of defective or inadequate street layout,
16 unsanitary or unsafe conditions, improper subdivision or obsolete platting, or the
17 existence of conditions which endanger the life or property by fire or other means,
18 or any 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] **natural**
41 **resources**;

42 (7) "Director", the director of the department of [economic development]
43 **natural resources;**

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

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

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

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

67 (10) "Existing business facility", any facility in this state which was
68 employed by the taxpayer claiming the credit in the operation of an enhanced
69 business enterprise immediately prior to an expansion, acquisition, addition, or
70 replacement;

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

76 (12) "Facility base employment", the greater of the number of employees
77 located at the facility on the date of the notice of intent, or for the twelve-month

78 period prior to the date of the notice of intent, the average number of employees
79 located at the facility, or in the event the project facility has not been in operation
80 for a full twelve-month period, the average number of employees for the number
81 of months the facility has been in operation prior to the date of the notice of
82 intent;

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

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

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

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

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

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

103 (d) The taxpayer shall offer health insurance to all new jobs and pay at
104 least eighty percent of such insurance premiums; and

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

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

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

114 requirements:

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

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

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

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

139 (18) "New business facility employee", an employee of the taxpayer in the
140 operation of a new business facility during the taxable year for which the credit
141 allowed by section 135.967 is claimed, except that truck drivers and rail and
142 barge vehicle operators and other operators of rolling stock for hire shall not
143 constitute new business facility employees;

144 (19) "New business facility investment", the value of real and depreciable
145 tangible personal property, acquired by the taxpayer as part of the new business
146 facility, which is used by the taxpayer in the operation of the new business
147 facility, during the taxable year for which the credit allowed by 135.967 is
148 claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge
149 vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges,

150 tunnels, and rail yards and spurs shall not constitute new business facility
151 investments. The total value of such property during such taxable year shall be:

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

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

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

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

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

176 (23) "Related facility base employment", the greater of:

177 (a) The number of employees located at all related facilities on the date
178 of the notice of intent; or

179 (b) For the twelve-month period prior to the date of the notice of intent,
180 the average number of employees located at all related facilities of the enhanced
181 business enterprise or a related company located in this state;

182 (24) "Related taxpayer":

183 (a) A corporation, partnership, trust, or association controlled by the
184 taxpayer;

185 (b) An individual, corporation, partnership, trust, or association in control

186 of the taxpayer; or

187 (c) A corporation, partnership, trust or association controlled by an
188 individual, corporation, partnership, trust or association in control of the
189 taxpayer. "Control of a corporation" shall mean ownership, directly or indirectly,
190 of stock possessing at least fifty percent of the total combined voting power of all
191 classes of stock entitled to vote, "control of a partnership or association" shall
192 mean ownership of at least fifty percent of the capital or profits interest in such
193 partnership or association, and "control of a trust" shall mean ownership, directly
194 or indirectly, of at least fifty percent of the beneficial interest in the principal or
195 income of such trust; ownership shall be determined as provided in Section 318
196 of the Internal Revenue Code of 1986, as amended;

197 (25) "Renewable energy generation zone", an area which has been found,
198 by a resolution or ordinance adopted by the governing authority having
199 jurisdiction of such area, to be a blighted area and which contains land,
200 improvements, or a lock and dam site which is unutilized or underutilized for the
201 production, generation, conversion, and conveyance of electrical energy from a
202 renewable energy resource;

203 (26) "Renewable energy resource", shall include:

204 (a) Wind;

205 (b) Solar thermal sources or photovoltaic cells and panels;

206 (c) Dedicated crops grown for energy production;

207 (d) Cellulosic agricultural residues;

208 (e) Plant residues;

209 (f) Methane from landfills, agricultural operations, or wastewater
210 treatment;

211 (g) Thermal depolymerization or pyrolysis for converting waste material
212 to energy;

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

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

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

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

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

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

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

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

2 [167.910. 1. There is hereby established the "Career
3 Readiness Course Task Force" to explore the possibility of a course
4 covering the topics described in this section being offered in the
5 public schools to students in eighth grade or ninth grade. Task
6 force members shall be chosen to represent the geographic diversity
7 of the state. All task force members shall be appointed before
8 October 31, 2018. The task force members shall be appointed as
9 follows:

(1) A parent of a student attending elementary school,

10 appointed by the joint committee on education;

11 (2) A parent of a student attending a grade not lower than
12 the sixth nor higher than the eighth grade, appointed by the joint
13 committee on education;

14 (3) A parent of a student attending high school, appointed
15 by the joint committee on education;

16 (4) An elementary education professional from an accredited
17 school district, appointed by the joint committee on education from
18 names submitted by statewide education employee organizations;

19 (5) Two education professionals giving instruction in a
20 grade or grades not lower than the sixth nor higher than the eighth
21 grade in accredited school districts, appointed by the joint
22 committee on education from names submitted by statewide
23 education employee organizations;

24 (6) Two secondary education professionals from accredited
25 school districts, appointed by the joint committee on education from
26 names submitted by statewide education employee organizations;

27 (7) A career and technical education professional who has
28 experience serving as an advisor to a statewide career and
29 technical education organization, appointed by a statewide career
30 and technical education organization;

31 (8) An education professional from an accredited technical
32 high school, appointed by a statewide career and technical
33 education organization;

34 (9) A public school board member, appointed by a statewide
35 association of school boards;

36 (10) A secondary school principal, appointed by a statewide
37 association of secondary school principals;

38 (11) A principal of a school giving instruction in a grade or
39 grades not lower than the sixth nor higher than the eighth grade,
40 appointed by a statewide association of secondary school principals;

41 (12) An elementary school counselor, appointed by a
42 statewide association of school counselors;

43 (13) Two school counselors from a school giving instruction
44 in a grade or grades not lower than the sixth nor higher than the
45 eighth grade, appointed by a statewide association of school

46 counselors;

47 (14) A secondary school counselor, appointed by a statewide
48 association of school counselors;

49 (15) A secondary school career and college counselor,
50 appointed by a statewide association of school counselors;

51 (16) An apprenticeship professional, appointed by the
52 division of workforce development of economic development;

53 (17) A representative of Missouri Project Lead the Way,
54 appointed by the statewide Project Lead the Way organization;

55 (18) A representative of the state technical college,
56 appointed by the state technical college;

57 (19) A representative of a public community college,
58 appointed by a statewide organization of community colleges; and

59 (20) A representative of a public four-year institution of
60 higher education, appointed by the commissioner of higher
61 education.

62 2. The members of the task force established under
63 subsection 1 of this section shall elect a chair from among the
64 membership of the task force. The task force shall meet as needed
65 to complete its consideration of the course described in subsection
66 5 of this section and provide its findings and recommendations as
67 described in subsection 6 of this section. Members of the task force
68 shall serve without compensation. No school district policy or
69 administrative action shall require any education employee
70 member to use personal leave or incur a reduction in pay for
71 participating on the task force.

72 3. The task force shall hold at least three public hearings
73 to provide an opportunity to receive public testimony including, but
74 not limited to, testimony from educators, local school boards,
75 parents, representatives from business and industry, labor and
76 community leaders, members of the general assembly, and the
77 general public.

78 4. The department of elementary and secondary education
79 shall provide such legal, research, clerical, and technical services
80 as the task force may require in the performance of its duties.

81 5. The task force established under subsection 1 of this

82 section shall consider a course that:

83 (1) Gives students an opportunity to explore various career
84 and educational opportunities by:

85 (a) Administering career surveys to students and helping
86 students use Missouri Connections to determine their career
87 interests and develop plans to meet their career goals;

88 (b) Explaining the differences between types of colleges,
89 including two-year and four-year colleges and noting the
90 availability of registered apprenticeship programs as alternatives
91 to college for students;

92 (c) Describing technical degrees offered by colleges;

93 (d) Explaining the courses and educational experiences
94 offered at community colleges;

95 (e) Describing the various certificates and credentials
96 available to earn at the school or other schools including, but not
97 limited to, career and technical education certificates described
98 under section 170.029 and industry-recognized certificates and
99 credentials;

100 (f) Advising students of any advanced placement courses
101 that they may take at the school;

102 (g) Describing any opportunities at the school for dual
103 enrollment;

104 (h) Advising students of any Project Lead the Way courses
105 offered at the school and explaining how Project Lead the Way
106 courses help students learn valuable skills;

107 (i) Informing students of the availability of funding for
108 postsecondary education through the A+ schools program described
109 under section 160.545;

110 (j) Describing the availability of virtual courses;

111 (k) Describing the types of skills and occupations most in
112 demand in the current job market and those skills and occupations
113 likely to be in high demand in future years;

114 (l) Describing the typical salaries for occupations, salary
115 trends, and opportunities for advancement in various occupations;

116 (m) Emphasizing the opportunities available in careers
117 involving science, technology, engineering, and math;

118 (n) Advising students of the resources offered by workforce
119 or job centers;

120 (o) Preparing students for the ACT assessment or the ACT
121 WorkKeys assessments required for the National Career Readiness
122 Certificate;

123 (p) Administering a practice ACT assessment or practice
124 ACT WorkKeys assessments required for the National Career
125 Readiness Certificate to students;

126 (q) Advising students of opportunities to take the SAT and
127 the Armed Services Vocational Aptitude Battery;

128 (r) Administering a basic math test to students so that they
129 can assess their math skills;

130 (s) Administering a basic writing test to students so that
131 they can assess their writing skills;

132 (t) Helping each student prepare a personal plan of study
133 that outlines a sequence of courses and experiences that concludes
134 with the student reaching his or her postsecondary goals; and

135 (u) Explaining how to complete college applications and the
136 Free Application for Federal Student Aid;

137 (2) Focuses on career readiness and emphasizes the
138 importance of work ethic, communication, collaboration, critical
139 thinking, and creativity;

140 (3) Demonstrates that graduation from a four-year college
141 is not the only pathway to success by describing to students at
142 least sixteen pathways to success in detail and including guest
143 visitors who represent each pathway described. In exploring how
144 these pathways could be covered in the course, the task force shall
145 consider how instructors for the course may be able to rely on
146 assistance from Missouri's career pathways within the department
147 of elementary and secondary education;

148 (4) Provides student loan counseling; and

149 (5) May include parent-student meetings.

150 6. Before December 1, 2019, the task force established
151 under subsection 1 of this section shall present its findings and
152 recommendations to the speaker of the house of representatives,
153 the president pro tempore of the senate, the joint committee on

154 education, and the state board of education. Upon presenting the
155 findings and recommendations as described in this subsection, the
156 task force shall dissolve.]

167.910. 1. There is hereby established the "Career Readiness Course
2 Task Force" to explore the possibility of a course covering the topics described in
3 this section being offered in the public schools to students in eighth grade or
4 ninth grade. Task force members shall be chosen to represent the geographic
5 diversity of the state. All task force members shall be appointed before October
6 31, 2018. The task force members shall be appointed as follows:

7 (1) A parent of a student attending elementary school, appointed by a
8 statewide association of parents and teachers;

9 (2) A parent of a student attending a grade not lower than the sixth nor
10 higher than the eighth grade, appointed by a statewide association of parents and
11 teachers;

12 (3) A parent of a student attending high school, appointed by a statewide
13 association of parents and teachers;

14 (4) An elementary education professional from an accredited school
15 district, appointed by agreement among the Missouri State Teachers Association,
16 the Missouri National Education Association, and the American Federation of
17 Teachers of Missouri;

18 (5) An education professional giving instruction in a grade or grades not
19 lower than the sixth nor higher than the eighth grade in an accredited school
20 district, appointed by agreement among the Missouri State Teachers Association,
21 the Missouri National Education Association, and the American Federation of
22 Teachers of Missouri;

23 (6) A secondary education professional from an accredited school district,
24 appointed by agreement among the Missouri State Teachers Association, the
25 Missouri National Education Association, and the American Federation of
26 Teachers of Missouri;

27 (7) A career and technical education professional who has experience
28 serving as an advisor to a statewide career and technical education organization,
29 appointed by a statewide career and technical education organization;

30 (8) An education professional from an accredited technical high school,
31 appointed by a statewide career and technical education organization;

32 (9) A public school board member, appointed by a statewide association
33 of school boards;

34 (10) A secondary school principal, appointed by a statewide association of
35 secondary school principals;

36 (11) A principal of a school giving instruction in a grade or grades not
37 lower than the sixth nor higher than the eighth grade, appointed by a statewide
38 association of secondary school principals;

39 (12) An elementary school counselor, appointed by a statewide association
40 of school counselors;

41 (13) A school counselor from a school giving instruction in a grade or
42 grades not lower than the sixth nor higher than the eighth grade, appointed by
43 a statewide association of school counselors;

44 (14) A secondary school counselor, appointed by a statewide association
45 of school counselors;

46 (15) A secondary school career and college counselor, appointed by a
47 statewide association of school counselors;

48 (16) An apprenticeship professional, appointed by the division of
49 workforce development of the department of [economic development] **higher**
50 **education and workforce development**;

51 (17) A representative of Missouri Project Lead the Way, appointed by the
52 statewide Project Lead the Way organization;

53 (18) A representative of the State Technical College of Missouri, appointed
54 by the State Technical College of Missouri;

55 (19) A representative of a public community college, appointed by a
56 statewide organization of community colleges; and

57 (20) A representative of a public four-year institution of higher education,
58 appointed by the commissioner of higher education **and workforce**
59 **development**.

60 2. The members of the task force established under subsection 1 of this
61 section shall elect a chair from among the membership of the task force. The task
62 force shall meet as needed to complete its consideration of the course described
63 in subsection 5 of this section and provide its findings and recommendations as
64 described in subsection 6 of this section. Members of the task force shall serve
65 without compensation. No school district policy or administrative action shall
66 require any education employee member to use personal leave or incur a
67 reduction in pay for participating on the task force.

68 3. The task force shall hold at least three public hearings to provide an
69 opportunity to receive public testimony including, but not limited to, testimony

70 from educators, local school boards, parents, representatives from business and
71 industry, labor and community leaders, members of the general assembly, and the
72 general public.

73 4. The department of elementary and secondary education shall provide
74 such legal, research, clerical, and technical services as the task force may require
75 in the performance of its duties.

76 5. The task force established under subsection 1 of this section shall
77 consider a course that:

78 (1) Gives students an opportunity to explore various career and
79 educational opportunities by:

80 (a) Administering career surveys to students and helping students use
81 Missouri Connections to determine their career interests and develop plans to
82 meet their career goals;

83 (b) Explaining the differences between types of colleges, including
84 two-year and four-year colleges, and noting the availability of registered
85 apprenticeship programs as alternatives to college for students;

86 (c) Describing technical degrees offered by colleges;

87 (d) Explaining the courses and educational experiences offered at
88 community colleges;

89 (e) Describing the various certificates and credentials available to earn at
90 the school or other schools including, but not limited to, career and technical
91 education certificates described under section 170.029 and industry-recognized
92 certificates and credentials;

93 (f) Advising students of any advanced placement courses that they may
94 take at the school;

95 (g) Describing any opportunities at the school for dual enrollment;

96 (h) Advising students of any Project Lead the Way courses offered at the
97 school and explaining how Project Lead the Way courses help students learn
98 valuable skills;

99 (i) Informing students of the availability of funding for postsecondary
100 education through the A+ schools program described under section 160.545;

101 (j) Describing the availability of virtual courses;

102 (k) Describing the types of skills and occupations most in demand in the
103 current job market and those skills and occupations likely to be in high demand
104 in future years;

105 (l) Describing the typical salaries for occupations, salary trends, and

106 opportunities for advancement in various occupations;

107 (m) Emphasizing the opportunities available in careers involving science,
108 technology, engineering, and math;

109 (n) Advising students of the resources offered by workforce or job centers;

110 (o) Preparing students for the ACT assessment or the ACT WorkKeys
111 assessments required for the National Career Readiness Certificate;

112 (p) Administering a practice ACT assessment or practice ACT WorkKeys
113 assessments required for the National Career Readiness Certificate to students;

114 (q) Advising students of opportunities to take the SAT and the Armed
115 Services Vocational Aptitude Battery;

116 (r) Administering a basic math test to students so that they can assess
117 their math skills;

118 (s) Administering a basic writing test to students so that they can assess
119 their writing skills;

120 (t) Helping each student prepare a personal plan of study that outlines
121 a sequence of courses and experiences that concludes with the student reaching
122 his or her postsecondary goals; and

123 (u) Explaining how to complete college applications and the Free
124 Application for Federal Student Aid;

125 (2) Focuses on career readiness and emphasizes the importance of work
126 ethic, communication, collaboration, critical thinking, and creativity;

127 (3) Demonstrates that graduation from a four-year college is not the only
128 pathway to success by describing to students at least sixteen pathways to success
129 in detail and including guest visitors who represent each pathway described. In
130 exploring how these pathways could be covered in the course, the task force shall
131 consider how instructors for the course may be able to rely on assistance from
132 Missouri Career Pathways within the department of elementary and secondary
133 education;

134 (4) Provides student loan counseling; and

135 (5) May include parent-student meetings.

136 6. Before December 1, 2019, the task force established under subsection
137 1 of this section shall present its findings and recommendations to the speaker
138 of the house of representatives, the president pro tempore of the senate, the joint
139 committee on education, and the state board of education. Upon presenting the
140 findings and recommendations as described in this subsection, the task force shall
141 dissolve.

[620.484.] **173.2800.** The provisions of the Wagner-Peyser Act (29
2 U.S.C.A. Sec. 49 et seq.), as amended, are hereby accepted by this state and the
3 division of workforce development of the department of [economic development]
4 **higher education and workforce development** is hereby designated and
5 constituted the agency of this state for the purposes of said act. The division
6 shall establish and maintain free public employment offices in such number and
7 in such places as may be necessary for the proper administration of this chapter
8 and for the purposes of performing such functions as are within the purview of
9 the Wagner-Peyser Act.

[620.490.] **173.2805.** The department of [economic development] **higher**
2 **education and workforce development** shall promulgate rules providing for
3 the coordination of state and federal job training resources administered by the
4 department of economic development, including the local workforce investment
5 areas established in the state to administer federal funds pursuant to the federal
6 Workforce Investment Act or its successor, for the provision of assistance to
7 businesses in this state relating to the creation of new jobs in the state. The
8 department shall include in these rules the methods to be followed by any
9 business engaged in the creation of new jobs in state to ensure that economically
10 disadvantaged citizens receive opportunities for employment in the new jobs
11 created. No rule or portion of a rule promulgated pursuant to the authority of
12 this section shall become effective unless it has been promulgated pursuant to the
13 provisions of section 536.024.

[620.511.] **173.2850.** 1. There is hereby established the "Missouri
2 Workforce Development Board", formerly known as the Missouri workforce
3 investment board, and hereinafter referred to as "the board" in sections [620.511
4 to 620.513] **173.2850 to 173.2860.**

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 Innovation and Opportunity Act, hereinafter referred to as the "WIOA", P.L.
14 113-128, as amended. Should another federal law supplant the WIOA, all

15 references in sections [620.511 to 620.513] **173.2850 to 173.2860** to the WIOA
16 shall apply as well to the new federal law.

17 4. Composition of the board shall comply with the WIOA. Board members
18 appointed by the governor shall be subject to the advice and consent of the
19 senate. Consistent with the requirements of the WIOA, the governor shall
20 designate one member of the board to be its chairperson.

21 5. Each member of the board shall serve for a term of four years, subject
22 to the pleasure of the governor, and until a successor is duly appointed. In the
23 event of a vacancy on the board, the vacancy shall be filled in the same manner
24 as the original appointment and said replacement shall serve the remainder of
25 the original appointee's unexpired term.

26 6. Of the members initially appointed to the WIOA, formerly known as the
27 WIA, board, one-fourth shall be appointed for a term of four years, one-fourth
28 shall be appointed for a term of three years, one-fourth shall be appointed for a
29 term of two years, and one-fourth shall be appointed for a term of one year.

30 7. WIOA board members shall receive no compensation, but shall be
31 reimbursed for all necessary expenses actually incurred in the performance of
32 their duties.

33 8. The department may include on its website a list of the names of the
34 members of the board, including the names of members of local workforce
35 development boards, along with information on how to contact such boards.

[620.512.] 173.2855. 1. The board shall establish bylaws governing its
2 organization, operation, and procedure consistent with sections [620.511 to
3 620.513] **173.2850 to 173.2860**, and consistent with the 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] **higher education and**
21 **workforce development** shall provide professional, technical, and clerical staff
22 for the board.

23 6. The board may promulgate any rules and regulations necessary to
24 administer the provisions of sections [620.511 to 620.513] **173.2850 to**
25 **173.2860**. Any rule or portion of a rule, as that term is defined in section
26 536.010, that is created under the authority delegated in this section shall
27 become effective only if it complies with and is subject to all of the provisions of
28 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
29 nonseverable and if any of the powers vested with the general assembly pursuant
30 to chapter 536 to review, to delay the effective date, or to disapprove and annul
31 a rule are subsequently held unconstitutional, then the grant of rulemaking
32 authority and any rule proposed or adopted after August 28, 2007, shall be
33 invalid and void.

[620.513.] **173.2860**. 1. The board shall assist the governor with the
2 functions described in Section 101(d) of the WIOA, 29 U.S.C. Section 311d, and
3 any regulations issued pursuant to the WIOA.

4 2. The board shall submit an annual report of its activities to the
5 governor, the speaker of the house of representatives, and the president pro tem
6 of the senate no later than January thirty-first of each year.

7 3. Nothing in sections [620.511 to 620.513] **173.2850 to 173.2860** shall
8 be construed to require or allow the board to assume or supersede the statutory
9 authority granted to, or impose any duties or requirements on, the state
10 coordinating board for higher education, the governing boards of the state's public
11 colleges and universities, the state board of education, or any local educational
12 agencies.

178.585. 1. Under rules and regulations of the state board of education,
2 the commissioner of education, in cooperation with the director of the division of
3 workforce development of the department of [economic development] **higher**
4 **education and workforce development**, shall establish procedures to provide
5 grants to public high schools, vocational-technical schools, State Technical College
6 of Missouri, and community colleges solely for the purpose of new programs,

7 curriculum enhancement, equipment and facilities so as to upgrade vocational
8 and technical education in the state.

9 2. Each vocational-technical school, community college, State Technical
10 College of Missouri, and school district of any public high school receiving a grant
11 authorized by this section shall have an advisory committee composed of local
12 business persons, labor leaders, parents, senior citizens, community leaders and
13 teachers to establish a plan to ensure that students who graduate from the
14 vocational-technical school, community college, State Technical College of
15 Missouri, or public high school proceed to a four-year college or high-wage job
16 with workplace-skill development opportunities.

17 3. The [director of the department of economic development]
18 **commissioner of higher education and workforce development** shall
19 provide annually to the commissioner of education a listing of demand
20 occupations in the state including substate projections. The listing shall include
21 those occupations for which, in the judgment of the [director of the department
22 of economic development] **commissioner of higher education and workforce**
23 **development**, there is a critical shortage to meet present or future employment
24 needs necessary to the economic growth and competitiveness of the state.

25 4. In any fiscal year, at least seventy-five percent of all moneys for the
26 grant awards authorized by this section shall be to public high schools,
27 vocational-technical schools, State Technical College of Missouri, or community
28 colleges for new programs, curriculum enhancement or equipment necessary to
29 address demand occupations identified pursuant to subsection 3 of this section.

186.019. 1. Prior to April first of each year, starting in 1992, the
2 information described in subdivisions (1), (2), (3) and (4) of this subsection shall
3 be delivered in report form to the Missouri women's council, the governor's office,
4 the secretary of the senate, and the chief clerk of the house of
5 representatives. The information shall apply only to activities which occurred
6 during the previous calendar year. Reports shall be required from the following:

7 (1) The department of labor and industrial relations, and the division of
8 workforce development of the department of [economic development] **higher**
9 **education and workforce development**, who shall assemble all available
10 data and report on all business start-ups and business failures which are fifty-one
11 percent or more owned by women. The reports shall distinguish, as best as
12 possible, those businesses which are sole proprietorships, partnerships, or
13 corporations;

14 (2) The department of economic development, who shall assemble all
15 available data and report on financial assistance or other incentives given to all
16 businesses which are fifty-one percent or more owned by women. The report shall
17 contain information relating to assistance or incentives awarded for the retention
18 of existing businesses, the expansion of existing businesses, or the start-up of new
19 businesses;

20 (3) The department of revenue, who shall assemble all available data and
21 report on the number, gross receipts and net income of all businesses which are
22 fifty-one percent or more owned by women. The reports shall distinguish those
23 businesses which are sole proprietorships, partnerships or corporations;

24 (4) The division of purchasing of the office of administration, who shall
25 assemble all available data and report on businesses which are fifty-one percent
26 or more owned by women which are recipients of contracts awarded by the state
27 of Missouri.

28 2. Prior to December first of each year, starting in 1990, the information
29 described in subdivisions (1) and (2) of this subsection shall be delivered in report
30 form to the Missouri women's council, the governor's office, the secretary of the
31 senate, and the chief clerk of the house of representatives. The information shall
32 apply only to activities which occurred during the previous school year. Reports
33 shall be required from the following:

34 (1) The department of elementary and secondary education shall assemble
35 all available data from the Vocational and Education Data System (VEDS) on
36 class enrollments by Instruction Program Codes (CIP); by secondary and
37 postsecondary schools; and, secondary, postsecondary, and adult level classes; and
38 by gender. This data shall also be reported by classes of traditional and
39 nontraditional occupational areas;

40 (2) The coordinating board for higher education shall assemble all
41 available data and report on higher education degrees awarded by academic
42 discipline; type of degree; type of school; and gender. All available data shall also
43 be reported on salaries received upon completion of degree program and
44 subsequent hire, as well as any data available on follow-up salaries.

290.257. 1. (1) In determining the prevailing wage rate, the department
2 shall accept and consider information submitted in either paper or electronic
3 format regarding local wage rates for construction projects that occurred during
4 the year preceding the annual wage order to be issued, provided that information
5 regarding local wage rates for entry-level workers and federally registered

6 apprentices shall not be considered.

7 (2) (a) The prevailing wage rate for each occupational title shall be equal
8 to the weighted average wage for that occupational title.

9 (b) For purposes of this subdivision, the following terms shall mean:

10 a. "Reported wage sum", for each occupational title, the sum of every
11 product of each reported wage rate, which shall include fringe benefits, multiplied
12 by the total number of reportable hours at such wage rate; and

13 b. "Weighted average wage", the reported wage sum for each occupational
14 title divided by the total number of reportable hours for that occupational title.

15 2. The department shall annually calculate the public works contracting
16 minimum wage in each locality. The public works contracting minimum wage
17 shall be equal to one hundred twenty percent of the average hourly wage in a
18 particular locality, as determined by the Missouri economic research and
19 information center within the department of [economic development] **higher**
20 **education and workforce development**, or any successor agency.

21 3. A final determination of the prevailing hourly rate of wages and the
22 public works contracting minimum wage applicable to every locality to be
23 contained in an annual wage order shall be made annually on or before July 1,
24 2019, and July first of each year thereafter. The wage order shall remain in
25 effect until superseded by a new annual wage order. The department shall, by
26 March 10, 2019, and March tenth of each year thereafter, make an initial
27 determination of the prevailing wage rate for each occupational title within the
28 locality as well as an initial determination as to the public works contracting
29 minimum wage. Objections may be filed as to any initial determination as
30 provided in section 290.262.

31 4. (1) If the total number of reportable hours that are paid pursuant to
32 a collective bargaining agreement and the total number of reportable hours that
33 are not paid pursuant to a collective bargaining agreement equal or exceed, in the
34 aggregate, one thousand hours for any particular occupational title within a
35 locality, workers engaged in that occupational title in such locality shall be paid
36 the prevailing wage rate determined by the department pursuant to this section.

37 (2) If the total number of reportable hours that are paid pursuant to a
38 collective bargaining agreement and the total number of reportable hours that are
39 not paid pursuant to a collective bargaining agreement do not equal or exceed, in
40 the aggregate, one thousand hours for any particular occupational title within a
41 locality, workers engaged in that occupational title in such locality shall be paid

42 the public works contracting minimum wage.

43 5. For purposes of this section, the term "reportable hours" shall mean
44 hours reported by a contractor for work performed under such contractor in a
45 particular occupational title within a particular locality.

46 6. (1) The different types of occupational titles to which sections 290.210
47 to 290.340 shall apply shall be limited to, and shall include, all of the following:

48 (a) Asbestos worker;

49 (b) Boilermaker;

50 (c) Bricklayer;

51 (d) Carpenter, which shall include pile driver, millwright, lather, and
52 linoleum layer;

53 (e) Cement mason, which shall include plasterer;

54 (f) Communications technician;

55 (g) Electrician;

56 (h) Elevator constructor;

57 (i) Glazier;

58 (j) Ironworker;

59 (k) General laborer, including first semi-skilled laborer and second
60 semi-skilled laborer;

61 (l) Mason, which shall include marble mason, marble finisher, terrazzo
62 worker, terrazzo finisher, tile setter, and tile finisher;

63 (m) Operating engineer, which shall include operating engineer group one,
64 operating engineer group two, operating engineer group three, operating engineer
65 group three-A, operating engineer group four, and operating engineer group five;

66 (n) Outside lineman, lineman operator, groundman, lineman tree trimmer,
67 groundman tree trimmer, and any combination thereof;

68 (o) Painter;

69 (p) Plumber, which shall include pipefitter;

70 (q) Roofer;

71 (r) Sheet metal worker;

72 (s) Sprinkler fitter; and

73 (t) Truck driver, which shall include truck control service driver, truck
74 driver group one, truck driver group two, truck driver group three, and truck
75 driver group four.

76 (2) Each occupational title listed in subdivision (1) of this subsection shall
77 have the same meaning and description as given to such occupational title in 8

78 CSR 30-3.060.

374.007. 1. The revisor of statutes shall change all references in the
2 revised statutes of Missouri from ["department of insurance", "insurance
3 department" or "department of insurance, financial and professional regulation"
4 to] "department of insurance, financial institutions and professional registration"
5 **to "department of commerce and insurance"**.

6 2. The revisor of statutes shall change all references in the revised
7 statutes of Missouri from ["director of insurance" or "commissioner of insurance"
8 to] "director of the department of insurance, financial institutions and
9 professional registration" **to "director of the department of commerce and
10 insurance"**.

386.040. 1. A "Public Service Commission" is hereby created and
2 established, which said public service commission shall be vested with and
3 possessed of the powers and duties in this chapter specified, and also all powers
4 necessary or proper to enable it to carry out fully and effectually all the purposes
5 of this chapter.

6 **2. The public service commission with all of its powers, duties,
7 and functions is assigned by type III transfer, as defined under the
8 Omnibus State Reorganization Act of 1974, to the department of
9 commerce and insurance. Nothing in the Reorganization Act of 1974
10 shall prevent the chair of the public service commission from
11 presenting additional budget requests or from explaining or clarifying
12 its budget requests to the governor or general assembly.**

386.071. The public service commission may appoint and fix the
2 compensation of a general counsel to serve at the pleasure of the commission. He
3 **or she** shall be an attorney at law and shall have resided in this state prior to
4 his **or her** appointment. It shall be the duty of the general counsel for the
5 commission to represent and appear for the commission in all actions and
6 proceedings involving any question under this or any other law, or under or in
7 reference to any act, order, decision or proceeding of the commission, and if
8 directed to do so by the commission, to intervene, if possible, in any action or
9 proceeding in which any such question is involved; to commence and prosecute in
10 the name of the state all actions and proceedings, authorized by law and directed
11 or authorized by the commission, and to expedite in every way possible, to final
12 determination all such actions and proceedings; to advise the commission and
13 each commissioner, when so requested, in regard to all matters in connection with

14 the powers and duties of the commission and the members thereof, and generally
15 to perform all duties and services as attorney and counsel to the commission
16 which the commission may reasonably require of him **or her**. **The public**
17 **service commission is authorized to employ such staff as it deems**
18 **necessary for the functions performed by the general counsel other**
19 **than those powers, duties, and functions relating to the representation**
20 **of the public before the public service commission.**

386.700. The director of the department of [economic development]
2 **commerce and insurance** shall appoint a public counsel to serve at the
3 pleasure of the director of the department. The public counsel shall be an
4 attorney at law licensed to practice law in this state and whose salary shall be
5 fixed by the department director within the appropriation made therefor. **The**
6 **powers, duties, and functions vested in the office of the public counsel**
7 **are transferred by type III transfer to the department of commerce and**
8 **insurance. Funding for the office of the public counsel shall be by**
9 **general revenue.**

386.710. 1. The public counsel shall have the following powers and
2 duties:

3 (1) He **or she** shall employ a staff or hire on a contract basis such
4 employees and experts as are necessary to carry out the purposes and
5 responsibilities of his **or her** office, and shall set their compensation within the
6 appropriation made for that purpose;

7 (2) He **or she** may represent and protect the interests of the public in any
8 proceeding before or appeal from the public service commission;

9 (3) He **or she** shall have discretion to represent or refrain from
10 representing the public in any proceeding. He **or she** shall consider in exercising
11 his **or her** discretion the importance and the extent of the public interest
12 involved and whether that interest would be adequately represented without the
13 action of his **or her** office. If the public counsel determines that there are
14 conflicting public interests involved in a particular matter, he **or she** may choose
15 to represent one such interest based upon the considerations of this section, to
16 represent no interest in that matter, or to represent one interest and certify to
17 the director of the department of [economic development] **commerce and**
18 **insurance** that there is a significant public interest which he **or she** cannot
19 represent without creating a conflict of interest and which will not be protected
20 by any party to the proceeding. The director of the department shall select an

21 attorney, to be paid from funds appropriated for this purpose, to represent that
22 segment of the public certified to him by the public counsel as
23 unrepresented. Nothing in this section shall be construed to limit the right of
24 any person, firm or corporation specified in subsection 1 of section 386.390 to
25 petition or make complaint to the commission or otherwise intervene in
26 proceedings or other matters before the commission.

27 2. The public counsel shall be served with all proposed tariffs, initial
28 pleadings, and applications, in all proceedings before the public service
29 commission, and shall be served with a copy of all orders of the commission.

30 3. Nothing in sections 386.071, 386.150, 386.155, 386.170, 386.200,
31 386.330, 386.360, 386.390, 386.400, 386.410, 386.420, 386.440, 386.450, 386.480,
32 386.500, 386.530, 386.540, 386.600, 386.700 and 386.710, shall be construed or
33 interpreted to mean that the public counsel shall not have the right to appeal any
34 and all orders of the public service commission to the courts which right of appeal
35 exists and has existed since the time of transfer as provided in section 386.500.

36 4. He shall have all powers necessary or proper to carry out the duties
37 specified in this section.

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 [economic development] **natural**
30 **resources**;

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
172 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
173 nonseverable and if any of the powers vested with the general assembly under
174 chapter 536 to review, to delay the effective date, or to disapprove and annul a
175 rule are subsequently held unconstitutional, then the grant of rulemaking
176 authority and any rule proposed or adopted after August 28, 2007, shall be
177 invalid and void.

178 10. The governing body of a rural electric cooperative or municipal utility
179 shall, within nine months of January 1, 2008, adopt policies establishing a simple
180 contract to be used for interconnection and net metering. For systems of ten
181 kilowatts or less, the application process shall use an all-in-one document that
182 includes a simple interconnection request, simple procedures, and a brief set of
183 terms and conditions.

184 11. For any cause of action relating to any damages to property or person
185 caused by the generation unit of a customer-generator or the interconnection
186 thereof, the retail electric supplier shall have no liability absent clear and
187 convincing evidence of fault on the part of the supplier.

188 12. The estimated generating capacity of all net metering systems
189 operating under the provisions of this section shall count towards the respective
190 retail electric supplier's accomplishment of any renewable energy portfolio target
191 or mandate adopted by the Missouri general assembly.

192 13. The sale of qualified electric generation units to any
193 customer-generator shall be subject to the provisions of sections 407.700 to
194 407.720. The attorney general shall have the authority to promulgate in
195 accordance with the provisions of chapter 536 rules regarding mandatory
196 disclosures of information by sellers of qualified electric generation units. Any
197 interested person who believes that the seller of any electric generation unit is
198 misrepresenting the safety or performance standards of any such systems, or who
199 believes that any electric generation unit poses a danger to any property or

200 person, may report the same to the attorney general, who shall be authorized to
201 investigate such claims and take any necessary and appropriate actions.

202 14. Any costs incurred under this act by a retail electric supplier shall be
203 recoverable in that utility's rate structure.

204 15. No consumer shall connect or operate an electric generation unit in
205 parallel phase and synchronization with any retail electric supplier without
206 written approval by said supplier that all of the requirements under subdivision
207 (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.

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 [economic development] **natural**
5 **resources**;

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.

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. Section 2002 or 40 CFR Parts 86 and 600 or 49 CFR Part 538
18 or proposed rule 49 CFR Part 538 until such rule is finalized;

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

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

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 [economic development]
2 **natural resources** 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 [economic development] **natural resources** on forms provided by
8 the department showing its progress in achieving the requirements and goals of
9 sections 414.400 to 414.417. The director of the department of [economic
10 development] **natural resources** shall compile such information into an annual
11 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.

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 development]
8 may acquire vehicles which use alternative fuels for the purposes of assessing and
9 demonstrating either or both alternative vehicles and alternative fuels.

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 [economic development] **natural resources** 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.

620.010. 1. There is hereby created a "Department of Economic
2 Development" to be headed by a director appointed by the governor, by and with
3 the advice and consent of the senate. All of the general provisions, definitions
4 and powers enumerated in section 1 of the Omnibus State Reorganization Act of
5 1974 shall continue to apply to this department and its divisions, agencies and
6 personnel.

7 2. [The powers, duties and functions vested in the public service
8 commission, chapters 386, 387, 388, 389, 390, 392, 393, and others, and the
9 administrative hearing commission, sections 621.015 to 621.198 and others, are
10 transferred by type III transfers to the department of economic development. The
11 director of the department is directed to provide and coordinate staff and
12 equipment services to these agencies in the interest of facilitating the work of the
13 bodies and achieving optimum efficiency in staff services common to all the
14 bodies. Nothing in the Reorganization Act of 1974 shall prevent the chairman of
15 the public service commission from presenting additional budget requests or from
16 explaining or clarifying its budget requests to the governor or general assembly.

17 3. The powers, duties and functions vested in the office of the public
18 counsel are transferred by type III transfer to the department of economic
19 development. Funding for the general counsel's office shall be by general
20 revenue.

21 4. The public service commission is authorized to employ such staff as it
22 deems necessary for the functions performed by the general counsel other than
23 those powers, duties and functions relating to representation of the public before
24 the public service commission.

25 5.] All the powers, duties and functions vested in the tourism commission,
26 chapter 258 and others, are transferred to the "Division of Tourism", which is

27 hereby created, by type III transfer.

28 [6.] 3. All the powers, duties and functions of the department of
29 community affairs, chapter 251 and others, not otherwise assigned, are
30 transferred by type I transfer to the department of economic development, and
31 the department of community affairs is abolished. The director of the department
32 of economic development may assume all the duties of the director of community
33 affairs or may establish within the department such subunits and advisory
34 committees as may be required to administer the programs so transferred. The
35 director of the department shall appoint all members of such committees and
36 heads of subunits.

37 [7.] 4. The Missouri housing development commission, chapter 215, is
38 assigned to the department of economic development, but shall remain a
39 governmental instrumentality of the state of Missouri and shall constitute a body
40 corporate and politic.

41 [8. All the authority, powers, duties, functions, records, personnel,
42 property, matters pending and other pertinent vestiges of the division of
43 manpower planning of the department of social services are transferred by a type
44 I transfer to the "Division of Workforce Development", which is hereby created,
45 within the department of economic development. The division of manpower
46 planning within the department of social services is abolished. The provisions of
47 section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating
48 to the manner and procedures for transfers of state agencies shall apply to the
49 transfers provided in this section.

50 9. All the authority, powers, functions, records, personnel, property,
51 contracts, matters pending and other pertinent vestiges of the division of
52 employment security within the department of labor and industrial relations
53 related to job training and labor exchange that are funded with or based upon
54 Wagner-Peyser funds, and other federal and state workforce development
55 programs administered by the division of employment security are transferred by
56 a type I transfer to the division of workforce development within the department
57 of economic development.

58 [10.] 5. Any rule or portion of a rule, as that term is defined in section
59 536.010, that is created under the authority delegated in this section shall
60 become effective only if it complies with and is subject to all of the provisions of
61 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
62 nonseverable and if any of the powers vested with the general assembly pursuant

63 to chapter 536 to review, to delay the effective date, or to disapprove and annul
64 a rule are subsequently held unconstitutional, then the grant of rulemaking
65 authority and any rule proposed or adopted after August 28, 2008, shall be
66 invalid and void.

[620.035.] **640.021.** 1. The department of [economic development]
2 **natural resources** shall be vested with the powers and duties prescribed by law
3 and 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.

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 [economic development] **natural**
5 **resources**;

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.

640.157. The division of energy of the department of [economic
2 development] **natural resources** shall serve as a central point of coordination
3 for activities relating to energy sustainability in the state. As such, the division
4 of energy 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.

640.160. 1. There is hereby created in the state treasury the "Energy
2 Futures Fund" which shall consist of money appropriated by the general assembly
3 or received from gifts, bequests, donations, or from the federal government. The
4 state treasurer shall be custodian of the fund and may approve disbursements
5 from the fund in accordance with sections 30.170 and 30.180. Notwithstanding
6 the provisions of section 33.080 to the contrary, any moneys remaining in the
7 fund at the end of the biennium shall not revert to the credit of the general
8 revenue fund. The state treasurer shall invest moneys in the fund in the same
9 manner as other funds are invested. Any interest and moneys earned on such
10 investments shall be credited to the fund.

11 2. Upon appropriation, the department of [economic development]
12 **natural resources** may use moneys in the fund created under this section for
13 the purposes of carrying out the provisions of section [620.035] **640.021** and
14 sections 640.153 to 640.160 including, but not limited to, energy efficiency
15 programs, energy studies, energy resource analyses, or energy projects. After
16 appropriation, the department may also expend funds for the administration and
17 management of energy responsibilities and activities associated with projects and
18 studies funded from the energy futures fund.

640.651. As used in sections 640.651 to 640.686, the following terms
2 mean:

3 (1) "Applicant", any school, hospital, small business, local government or
4 other energy-using sector or entity authorized by the department through
5 administrative rule, which submits an application for loans on financial
6 assistance to the department;

7 (2) "Application cycle", the period of time each year, as determined by the
8 department, that the department shall accept and receive applications seeking
9 loans or financial assistance under the provisions of sections 640.651 to 640.686;

10 (3) "Authority", the environmental improvement and energy resources

11 authority;

12 (4) "Borrower", a recipient of loan or other financial assistance program
13 funds subsequent to the execution of loan or financial assistance documents with
14 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 [economic development] **natural**
23 **resources**;

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.

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. In no case shall a loan or
26 financial assistance be made to an applicant unless the approval of the governing
27 board or body of the applicant to the loan agreement is obtained and a written

28 certification of such approval is provided, where applicable.

29 3. The department shall approve or disapprove all applications for loans
30 or financial assistance which are sent by certified or registered mail or hand
31 delivered and received by the department's division of energy on, or prior to, the
32 ninetieth day following the date of application cycle closing. Any applications
33 which are not acted upon by the department by such date shall be deemed to be
34 approved as submitted.

35 4. The department of elementary and secondary education shall be
36 provided a summary of all proposed public elementary and secondary school
37 projects for review within fifteen days from the application deadline. Once
38 projects have been reviewed and selected for loans or financial assistance by the
39 department, the department of elementary and secondary education shall have
40 thirty days to certify that those projects selected for loans or financial assistance
41 are consistent with related state programs for public education facilities.

42 5. The department of health and senior services shall be provided a
43 summary of all proposed hospital projects for review within fifteen days from the
44 application deadline. Once projects have been reviewed and selected for loans or
45 financial assistance by the department of [economic development] **natural**
46 **resources**, the department of health and senior services shall have thirty days
47 to certify that those projects selected for loans or financial assistance are
48 consistent with related health requirements for hospital facilities.

49 6. The coordinating board for higher education shall be provided a
50 summary of all proposed public higher education facility projects for review
51 within fifteen days from the application deadline. Once projects have been
52 reviewed and selected for loans and financial assistance by the department, the
53 coordinating board for higher education shall have thirty days to certify that
54 those projects selected for loans or financial assistance are consistent with related
55 state programs for education facilities.

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 [economic development] **natural resources**, apply a portion of the
5 funds appropriated annually by the general assembly to the utilicare stabilization
6 fund established pursuant to section 660.136 to the low income weatherization
7 assistance program of the department of [economic development] **natural**
8 **resources**; provided that any project financed with such funds shall be

9 consistent with federal guidelines for the Weatherization Assistance Program for
10 Low-Income Persons as authorized by 42 U.S.C. Section 6861.

701.500. 1. As used in sections 701.500 to 701.515, the following terms
2 shall mean:

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

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

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.

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 division of energy of the department of [economic
13 development] **natural resources**, or his or her designee;

14 (5) Two representatives from the appliance manufacturing industry;

15 (6) Three representatives with technical knowledge in energy efficiency
16 and appliances, including but not limited to, electrical or energy engineers;

17 (7) One representative from the home construction industry; and

18 (8) One representative from the commercial building industry.

19 2. Each member shall serve a term of three years and may be
20 reappointed. The advisory group members shall serve without compensation but
21 may be reimbursed for expenses incurred in connection with their duties. The
22 advisory group shall meet as needed, but not less than two times per year. The
23 department shall provide staff for the advisory group.

✓

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