

SECOND REGULAR SESSION

SENATE BILL NO. 1127

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

4353S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 8.900, 109.005, 161.410, 191.905, 210.102, 253.092, 253.120, 261.275, 265.180, 348.409, 444.810, 640.740, and 700.041, RSMo, and to enact in lieu thereof fourteen new sections relating to funds in the state treasury, with penalty provisions.

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

Section A. Sections 8.900, 109.005, 161.410, 191.905,
2 210.102, 253.092, 253.120, 261.275, 265.180, 348.409, 444.810,
3 640.740, and 700.041, RSMo, are repealed and fourteen new
4 sections enacted in lieu thereof, to be known as sections 8.900,
5 33.082, 109.005, 161.410, 191.905, 210.102, 253.092, 253.120,
6 261.275, 265.180, 348.409, 444.810, 640.740, and 700.041, to
7 read as follows:

8.900. 1. A permanent memorial for workers who were
2 killed on the job in Missouri or who suffered an on-the-job
3 injury that resulted in a permanent disability shall be
4 established and located on the grounds of the state capitol.

5 2. There is hereby established in the state treasury
6 the "Workers Memorial Fund". Gifts, grants and devises may
7 be deposited in the workers memorial fund. [Notwithstanding
8 the provisions of section 33.080, moneys in the fund shall
9 not revert to general revenue.] The state treasurer shall
10 invest the moneys from the fund in the same manner as other
11 state funds are invested. Interest accruing to the fund

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

12 shall be deposited in the fund and shall not be transferred
13 to the general revenue fund.

33.082. The state treasurer shall, by no later than
2 December thirty-first of each year, submit a report to the
3 general assembly detailing each fund established in the
4 state treasury from which a disbursement has not been made
5 during the five year period ending on June thirtieth of such
6 year, and whether or not any remaining moneys in such funds
7 have been transferred to the general revenue fund pursuant
8 to section 33.080.

109.005. 1. There is hereby established in the state
2 treasury a special fund to be known as the "State Document
3 Preservation Fund". The fund shall consist of all moneys
4 received from gifts, bequests, or contributions for the
5 specific purpose of preserving legal, historical and
6 genealogical materials and making them available to the
7 public.

8 2. The state treasurer shall invest moneys in the
9 state document preservation fund in the same manner as
10 surplus state funds are invested pursuant to section
11 30.260. All earnings which result from the investment of
12 moneys in the state document preservation fund shall be
13 credited to the fund.

14 [3. Any unexpended balance in the state document
15 preservation fund at the end of any appropriation period
16 shall not be transferred to the general revenue fund of the
17 state treasury and, accordingly, shall be exempt from the
18 provisions of section 33.080 relating to the transfer of
19 funds to the general revenue fund of the state treasury.]

161.410. [1.] The executive director of the Missouri
2 commission for the deaf and hard of hearing shall administer
3 a revolving fund to be known as the "Missouri Commission for

4 the Deaf and Hard of Hearing Fund" which is hereby
5 established in the state treasury. The fund shall consist
6 of appropriations made by the general assembly, any gifts,
7 contributions, grants, or bequests received from federal,
8 private, or other sources, and moneys transferred or paid to
9 the commission in return for goods and services provided by
10 the commission to any governmental entity or the public.
11 The state treasurer shall approve all disbursements from the
12 fund for the purchase of goods or services at the request of
13 the executive director of the commission.

14 [2. Notwithstanding the provisions of section 33.080
15 to the contrary, moneys in the fund shall not revert to the
16 credit of the general revenue fund.]

191.905. 1. No health care provider shall knowingly
2 make or cause to be made a false statement or false
3 representation of a material fact in order to receive a
4 health care payment, including but not limited to:

5 (1) Knowingly presenting to a health care payer a
6 claim for a health care payment that falsely represents that
7 the health care for which the health care payment is claimed
8 was medically necessary, if in fact it was not;

9 (2) Knowingly concealing the occurrence of any event
10 affecting an initial or continued right under a medical
11 assistance program to have a health care payment made by a
12 health care payer for providing health care;

13 (3) Knowingly concealing or failing to disclose any
14 information with the intent to obtain a health care payment
15 to which the health care provider or any other health care
16 provider is not entitled, or to obtain a health care payment
17 in an amount greater than that which the health care
18 provider or any other health care provider is entitled;

19 (4) Knowingly presenting a claim to a health care
20 payer that falsely indicates that any particular health care
21 was provided to a person or persons, if in fact health care
22 of lesser value than that described in the claim was
23 provided.

24 2. No person shall knowingly solicit or receive any
25 remuneration, including any kickback, bribe, or rebate,
26 directly or indirectly, overtly or covertly, in cash or in
27 kind in return for:

28 (1) Referring another person to a health care provider
29 for the furnishing or arranging for the furnishing of any
30 health care; or

31 (2) Purchasing, leasing, ordering or arranging for or
32 recommending purchasing, leasing or ordering any health care.

33 3. No person shall knowingly offer or pay any
34 remuneration, including any kickback, bribe, or rebate,
35 directly or indirectly, overtly or covertly, in cash or in
36 kind, to any person to induce such person to refer another
37 person to a health care provider for the furnishing or
38 arranging for the furnishing of any health care.

39 4. Subsections 2 and 3 of this section shall not apply
40 to a discount or other reduction in price obtained by a
41 health care provider if the reduction in price is properly
42 disclosed and appropriately reflected in the claim made by
43 the health care provider to the health care payer, or any
44 amount paid by an employer to an employee for employment in
45 the provision of health care.

46 5. Exceptions to the provisions of subsections 2 and 3
47 of this section shall be provided for as authorized in 42
48 U.S.C. Section 1320a-7b(3)(E), as may be from time to time
49 amended, and regulations promulgated pursuant thereto.

50 6. No person shall knowingly abuse a person receiving
51 health care.

52 7. A person who violates subsections 1 to 3 of this
53 section is guilty of a class D felony upon his or her first
54 conviction, and shall be guilty of a class B felony upon his
55 or her second and subsequent convictions. Any person who
56 has been convicted of such violations shall be referred to
57 the Office of Inspector General within the United States
58 Department of Health and Human Services. The person so
59 referred shall be subject to the penalties provided for
60 under 42 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7.
61 A prior conviction shall be pleaded and proven as provided
62 by section 558.021. A person who violates subsection 6 of
63 this section shall be guilty of a class D felony, unless the
64 act involves no physical, sexual or emotional harm or injury
65 and the value of the property involved is less than five
66 hundred dollars, in which event a violation of subsection 6
67 of this section is a class A misdemeanor.

68 8. Any natural person who willfully prevents,
69 obstructs, misleads, delays, or attempts to prevent,
70 obstruct, mislead, or delay the communication of information
71 or records relating to a violation of sections 191.900 to
72 191.910 is guilty of a class E felony.

73 9. Each separate false statement or false
74 representation of a material fact proscribed by subsection 1
75 of this section or act proscribed by subsection 2 or 3 of
76 this section shall constitute a separate offense and a
77 separate violation of this section, whether or not made at
78 the same or different times, as part of the same or separate
79 episodes, as part of the same scheme or course of conduct,
80 or as part of the same claim.

81 10. In a prosecution pursuant to subsection 1 of this
82 section, circumstantial evidence may be presented to
83 demonstrate that a false statement or claim was knowingly
84 made. Such evidence of knowledge may include but shall not
85 be limited to the following:

86 (1) A claim for a health care payment submitted with
87 the health care provider's actual, facsimile, stamped,
88 typewritten or similar signature on the claim for health
89 care payment;

90 (2) A claim for a health care payment submitted by
91 means of computer billing tapes or other electronic means;

92 (3) A course of conduct involving other false claims
93 submitted to this or any other health care payer.

94 11. Any person convicted of a violation of this
95 section, in addition to any fines, penalties or sentences
96 imposed by law, shall be required to make restitution to the
97 federal and state governments, in an amount at least equal
98 to that unlawfully paid to or by the person, and shall be
99 required to reimburse the reasonable costs attributable to
100 the investigation and prosecution pursuant to sections
101 191.900 to 191.910. All of such restitution shall be paid
102 and deposited to the credit of the "MO HealthNet Fraud
103 Reimbursement Fund", which is hereby established in the
104 state treasury. Moneys in the MO HealthNet fraud
105 reimbursement fund shall be divided and appropriated to the
106 federal government and affected state agencies in order to
107 refund moneys falsely obtained from the federal and state
108 governments. All of such cost reimbursements attributable
109 to the investigation and prosecution shall be paid and
110 deposited to the credit of the "MO HealthNet Fraud
111 Prosecution Revolving Fund", which is hereby established in
112 the state treasury. Moneys in the MO HealthNet fraud

prosecution revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted an action for a violation of sections 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray the costs of the attorney general and any such prosecuting or circuit attorney in connection with their duties provided by sections 191.900 to 191.910. No moneys shall be paid into the MO HealthNet fraud protection revolving fund pursuant to this subsection unless the attorney general or appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to this section, and the court finds in its discretion that payment of attorneys' fees and investigative costs is appropriate under all the circumstances, and the attorney general and prosecuting or circuit attorney shall prove to the court those expenses which were reasonable and necessary to the investigation and prosecution of such case, and the court approves such expenses as being reasonable and necessary. Any moneys remaining in the MO HealthNet fraud reimbursement fund after division and appropriation to the federal government and affected state agencies shall be used to increase MO HealthNet provider reimbursement until it is at least one hundred percent of the Medicare provider reimbursement rate for comparable services. [The provisions of section 33.080 notwithstanding, moneys in the MO HealthNet fraud prosecution revolving fund shall not lapse at the end of the biennium.]

12. A person who violates subsections 1 to 3 of this section shall be liable for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each separate act in violation of such subsections, plus three times the amount of damages which the state and

145 federal government sustained because of the act of that
146 person, except that the court may assess not more than two
147 times the amount of damages which the state and federal
148 government sustained because of the act of the person, if
149 the court finds:

150 (1) The person committing the violation of this
151 section furnished personnel employed by the attorney general
152 and responsible for investigating violations of sections
153 191.900 to 191.910 with all information known to such person
154 about the violation within thirty days after the date on
155 which the defendant first obtained the information;

156 (2) Such person fully cooperated with any government
157 investigation of such violation; and

158 (3) At the time such person furnished the personnel of
159 the attorney general with the information about the
160 violation, no criminal prosecution, civil action, or
161 administrative action had commenced with respect to such
162 violation, and the person did not have actual knowledge of
163 the existence of an investigation into such violation.

164 13. Upon conviction pursuant to this section, the
165 prosecution authority shall provide written notification of
166 the conviction to all regulatory or disciplinary agencies
167 with authority over the conduct of the defendant health care
168 provider.

169 14. The attorney general may bring a civil action
170 against any person who shall receive a health care payment
171 as a result of a false statement or false representation of
172 a material fact made or caused to be made by that person.
173 The person shall be liable for up to double the amount of
174 all payments received by that person based upon the false
175 statement or false representation of a material fact, and
176 the reasonable costs attributable to the prosecution of the

civil action. All such restitution shall be paid and deposited to the credit of the MO HealthNet fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit of the MO HealthNet fraud prosecution revolving fund. No reimbursement of such costs attributable to the prosecution of the civil action shall be made or allowed except with the approval of the court having jurisdiction of the civil action. No civil action provided by this subsection shall be brought if restitution and civil penalties provided by subsections 11 and 12 of this section have been previously ordered against the person for the same cause of action.

15. Any person who discovers a violation by himself or herself or such person's organization and who reports such information voluntarily before such information is public or known to the attorney general shall not be prosecuted for a criminal violation.

210.102. 1. There is hereby established within the department of elementary and secondary education the "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic, and shall include, but not be limited to, the following members:

- (1) A representative from the governor's office;
- (2) A representative from each of the following departments: health and senior services, mental health, social services, and elementary and secondary education;
- (3) A representative of the judiciary;
- (4) A representative of the family and community trust board (FACT);
- (5) A representative from the head start program; and
- (6) Nine members appointed by the governor with the advice and consent of the senate who are representatives of

the groups, such as business, philanthropy, civic groups, faith-based organizations, parent groups, advocacy organizations, early childhood service providers, and other stakeholders.

The coordinating board may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The coordinating board shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the board shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the board.

2. The coordinating board for early childhood shall have the power to:

- (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early childhood system;
- (2) Confer with public and private entities for the purpose of promoting and improving the development of children from birth through age five of this state;
- (3) Identify legislative recommendations to improve services for children from birth through age five;
- (4) Promote coordination of existing services and programs across public and private entities;
- (5) Promote research-based approaches to services and ongoing program evaluation;
- (6) Identify service gaps and advise public and private entities on methods to close such gaps;
- (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the coordinating board for early childhood fund from any source, public or

private, and enter into contracts or other transactions with any federal or state agency, any private organizations, or any other source in furtherance of the purpose of subsection 1 of this section and this subsection, and take any and all actions necessary to avail itself of such aid and cooperation;

(8) Direct disbursements from the coordinating board for early childhood fund as provided in this section;

(9) Administer the coordinating board for early childhood fund and invest any portion of the moneys not required for immediate disbursement in obligations of the United States or any agency or instrumentality of the United States, in obligations of the state of Missouri and its political subdivisions, in certificates of deposit and time deposits, or other obligations of banks and savings and loan associations, or in such other obligations as may be prescribed by the board;

(10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal property or any interests therein, wherever situated;

(11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its property or any interest therein, wherever situated;

(12) Employ and fix the compensation of an executive director and such other agents or employees as it considers necessary;

(13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the manner in which its business may be transacted;

(14) Adopt and use an official seal;

79 (15) Assess or charge fees as the board determines to
80 be reasonable to carry out its purposes;

81 (16) Make all expenditures which are incident and
82 necessary to carry out its purposes;

83 (17) Sue and be sued in its official name;

84 (18) Take such action, enter into such agreements, and
85 exercise all functions necessary or appropriate to carry out
86 the duties and purposes set forth in this section.

87 3. There is hereby created the "Coordinating Board for
88 Early Childhood Fund" which shall consist of the following:

89 (1) Any moneys appropriated by the general assembly
90 for use by the board in carrying out the powers set out in
91 subsections 1 and 2 of this section;

92 (2) Any moneys received from grants or which are
93 given, donated, or contributed to the fund from any source;

94 (3) Any moneys received as fees authorized under
95 subsections 1 and 2 of this section;

96 (4) Any moneys received as interest on deposits or as
97 income on approved investments of the fund;

98 (5) Any moneys obtained from any other available
99 source.

100 [Notwithstanding the provisions of section 33.080 to the
101 contrary, any moneys remaining in the coordinating board for
102 early childhood fund at the end of the biennium shall not
103 revert to the credit of the general revenue fund.]

253.092. 1. There is hereby created in the state
2 treasury the "Arrow Rock State Historic Site Endowment
3 Fund". The fund shall be administered by the Missouri
4 department of natural resources. All moneys, funds, or
5 other assets acquired for purposes of this section shall be
6 deposited with the state treasurer to the credit of the

7 fund. All income, interest, rights, or rent earned through
8 the operation of the fund shall also be credited to the
9 fund. All other property, real and personal, acquired
10 through any grant, gift, donation, devise, or bequest
11 specified for the Arrow Rock state historic site endowment
12 fund for purposes stated in this section shall also be
13 deposited in the fund. The original bequest of Bill and
14 Cora Lee Miller made in the amount of twenty-one thousand
15 nine hundred sixty-five dollars and ninety-two cents to the
16 state park earnings fund is hereby transferred into the
17 Arrow Rock state historic site endowment fund.

18 2. The Arrow Rock state historic site endowment fund
19 shall be used for the enhancement of Arrow Rock state
20 historic site's public interpretive programs, and may be
21 used by the Missouri department of natural resources for the
22 preparation of museum exhibits, acquisition of artifacts,
23 publication of information, payment of fees for exhibits or
24 lectures, or other similar interpretive needs at Arrow Rock
25 state historic site and for no other purpose.

26 3. The state treasurer shall be the custodian of all
27 moneys, bonds, securities, or interests and rights therein
28 deposited in the state treasury to the credit of the Arrow
29 Rock state historic site endowment fund and shall invest the
30 moneys in the fund in a manner as provided by law.

31 4. Until January 1, 2100, the Missouri department of
32 natural resources may annually expend an amount equal to one-
33 half of the interest earned by the Arrow Rock state historic
34 site endowment fund in the immediately preceding fiscal year
35 for the purposes stated in this section. Beginning January
36 1, 2100, and thereafter the Missouri department of natural
37 resources may annually expend an amount equal to the
38 interest earned by the Arrow Rock state historic site

39 endowment fund in the immediately preceding fiscal year, for
40 the purposes stated in this section.

41 5. Funds from the Arrow Rock state historic site
42 endowment fund shall be expended only upon appropriation by
43 the general assembly. [Notwithstanding the provisions of
44 section 33.080 to the contrary, funds appropriated, but not
45 expended by the end of the fiscal year, shall revert to the
46 Arrow Rock state historic site endowment fund.]

253.120. 1. The endowment fund authorized by section
2 2, Laws of Missouri 1925, page 136, shall be maintained by
3 the department of natural resources as a permanent endowment
4 for the maintenance of the Confederate Memorial Park. The
5 department of natural resources may accept gifts, donations,
6 or bequests for the maintenance of the memorial park and for
7 the endowment fund until the fund reaches the sum of seventy-
8 five thousand dollars. The department of natural resources
9 may sell, convey or otherwise convert into money any
10 property received and shall invest all moneys of the
11 endowment fund and use the income therefrom for the
12 maintenance of the park, but the principal shall remain
13 intact as a permanent endowment fund.

14 2. **Notwithstanding any provision of law to the**
15 **contrary, any moneys remaining in the endowment fund as of**
16 **June 30, 2027, shall be transferred to the general revenue**
17 **fund pursuant to section 33.080.**

261.275. 1. There is hereby created in the state
2 treasury the "Missouri Dairy Industry Revitalization Fund",
3 which shall consist of moneys appropriated to the fund. The
4 state treasurer shall be custodian of the fund. In
5 accordance with sections 30.170 and 30.180, the state
6 treasurer may approve disbursements of the fund. Upon
7 appropriation by the general assembly, moneys in the fund

8 shall be used solely to enhance and improve Missouri's dairy
9 and dairy processing industries in the manner provided for
10 in sections 261.270 to 261.295. [Notwithstanding the
11 provisions of section 33.080 to the contrary, any moneys
12 remaining in the fund at the end of the biennium shall not
13 revert to the credit of the general revenue fund.] The
14 state treasurer shall invest moneys in the fund in the same
15 manner as other funds are invested. Any interest and moneys
16 earned on such investments shall be credited to the fund.

17 2. Moneys appropriated from the general revenue fund
18 to the Missouri dairy industry revitalization fund shall not
19 exceed forty percent of the estimated sales tax revenue
20 generated in the state from the sale of dairy products
21 during the preceding fiscal year, calculated under
22 subsection 3 of this section, and shall be expended in the
23 following order of priority:

24 (1) First, to the dairy producer margin insurance
25 premium assistance program created under section 261.280;

26 (2) Second, to the Missouri dairy scholars program
27 created under section 261.285; and

28 (3) Third, to the commercial agriculture program
29 created under section 261.290.

30 3. Each fiscal year the University of Missouri shall
31 conduct research, or contract with an independent research
32 company to conduct research, to determine the estimated
33 sales tax revenue generated in the state from the sale of
34 dairy products. The cost for such calculation shall be paid
35 out of the Missouri dairy industry revitalization fund. The
36 estimated sales tax revenue generated in the state from the
37 sale of dairy products shall be provided to the department
38 of agriculture by October first of each year.

265.180. 1. All moneys received by the director under the provisions of section 265.150 shall be paid to the state treasurer to be credited to the "Apple Merchandising Fund" which is hereby created.

2. All moneys credited to the apple merchandising fund shall be appropriated by the general assembly only for the purposes as herein set forth, to be used exclusively for the administration and enforcement of sections 265.130 to 265.210, including the collection of fees, the payment for personal services and expenses of employees and agents of the director, and the payment of rent, services, materials and supplies necessary to effectuate the purposes and object of sections 265.130 to 265.210.

[3. The unexpended balance in the apple merchandising fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080 relating to the transfer of funds to the ordinary revenue funds of the state by the state treasurer.]

348.409. 1. There is hereby established in the state treasury the "Agricultural Product Utilization and Business Development Loan Guarantee Fund". The fund shall consist of money appropriated to it by the general assembly, charges, gifts, grants, bequests from federal, private or other sources, and investment income on the fund.

[Notwithstanding the provisions of section 33.080, no portion of the fund shall be transferred to the general revenue fund.]

2. All moneys received by the authority for payments made on previously defaulted guaranteed loans shall be paid promptly into the state treasury and deposited in the fund.

3. The fund shall be administered by the authority.

14 4. Beginning with fiscal year 1997-98, the general
15 assembly may appropriate moneys not to exceed two and one-
16 half million dollars for the establishment and initial
17 funding of the fund.

18 5. Moneys in the fund, both unobligated and obligated
19 as a reserve, which in the judgment of the authority are not
20 currently needed for payments of defaults of guaranteed
21 loans, may be invested by the state treasurer, and any
22 income therefrom shall be deposited to the credit of the
23 fund.

444.810. 1. The commission may:

2 (1) Adopt and promulgate rules and regulations
3 respecting the administration and enforcement of this law
4 and in conformity therewith;

5 (2) Encourage and conduct investigations, research,
6 experiments and demonstrations, and collect and disseminate
7 information relating to surface coal mining and reclamation
8 and conservation of lands and waters affected by surface
9 coal mining;

10 (3) Examine and pass on all applications and plans and
11 specifications submitted by the operator for the method of
12 operation and for the reclamation and conservation of the
13 area of land affected by the operation;

14 (4) Make investigations and inspections which are
15 necessary to ensure compliance;

16 (5) Conduct hearings and administer oaths or
17 affirmations and subpoena witnesses to the inquiry;

18 (6) Order the suspension or revocation of any permit,
19 or the cessation of operations for failure to comply with
20 any of the provisions of this law, rules and regulations,
21 reclamation plans, permit conditions, or any order of the
22 commission;

23 (7) Order forfeiture of any bond for failure to comply
24 with any provisions of this law, rules or regulations,
25 reclamation plans, permit conditions or any order of the
26 commission;

27 (8) Cause to be instituted in any court of competent
28 jurisdiction legal proceedings for injunction or other
29 appropriate relief to enforce this law, rules and
30 regulations, reclamation plans, permit conditions, or any
31 order of the commission;

32 (9) Retain, employ, provide for, and compensate,
33 within the limits of appropriations made for that purpose,
34 such consultants, assistants, deputies, clerks, and other
35 employees on full- or part-time basis as may be necessary to
36 carry out the provisions of this law and prescribe the times
37 at which they shall be appointed and their powers and
38 duties; and when appropriate, contract for such professional
39 or technical services as necessary;

40 (10) Study and develop plans for the reclamation of
41 lands that have been mined prior to August 3, 1977, and
42 those described in subsection 3 of section 444.915;

43 (11) Accept, receive and administer grants or other
44 funds or gifts from public and private agencies and
45 individuals, including the federal government, for the
46 purpose of carrying out any of the functions of this law,
47 including the reclamation of lands mined prior to August 3,
48 1977. Funds received by the commission for the purpose of
49 reclaiming lands mined prior to August 3, 1977, shall be
50 deposited with the state treasurer and credited to the
51 "Abandoned Mine Reclamation Fund" which is hereby created.
52 After appropriation by the general assembly, the money in
53 this fund shall be expended for the purposes authorized.
54 Any portion of the fund not immediately needed for the

purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall, unless otherwise prohibited by the constitution of this state, be deposited in the abandoned mine land reclamation fund. [Any unexpended balance in such fund at the end of any appropriation period shall not be transferred to the general revenue fund of the state treasury and, accordingly, shall be exempt from the provisions of section 33.080.] The

commission may promulgate such rules and regulations or enter into such contracts as it may deem necessary for carrying out the provisions of this subdivision;

(12) Budget and receive duly appropriated moneys for expenditures to carry out the provisions and purposes of this law;

(13) Prepare and file a biennial report with the governor and members of the general assembly;

(14) Enter into cooperative agreements with the appropriate federal officer or agency to provide for state regulation of surface coal mining and reclamation operations on federal lands within the state.

2. No rule or portion of a rule promulgated under the authority of sections 444.800 to 444.970 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

640.740. There is hereby established in the state treasury the "Concentrated Animal Feeding Operation Indemnity Fund", to be known as the "fund" for the purposes of sections 640.740 to 640.747. All fees or other moneys payable pursuant to the provisions of section 640.745 or other moneys received including gifts, grants, appropriations, and bequests from federal, private or other

8 sources made for the purpose of the provisions of this act
9 shall be payable to and collected by the director of the
10 department of natural resources and deposited in this fund.
11 The money in this fund, upon appropriation, shall be
12 expended to close class IA, class IB, class IC and class II
13 concentrated animal feeding operations as defined in the
14 department's rules, that have been placed in the control of
15 the government due to bankruptcy or failure to pay property
16 taxes, or if the class IA, class IB, class IC or class II
17 concentrated animal feeding operation is abandoned
18 property. "Abandoned property", for the purposes of this
19 section, means real property previously used for, or which
20 has the potential to be used for, agricultural purposes
21 which has been placed in the control of the state, a county,
22 or municipal government, or an agency thereof, through
23 donation, purchase, tax delinquency, foreclosure, default or
24 settlement, including conveyance by deed in lieu of
25 foreclosure, and has been vacant for a period of not less
26 than three years. Any portion of the fund not immediately
27 needed for the purposes authorized shall be invested by the
28 state treasurer as provided by the Constitution and laws of
29 this state. All income from such investments shall be
30 deposited in the fund. [Any unexpended balance in the fund
31 at the end of any appropriation period shall not be
32 transferred to the general revenue fund and, accordingly,
33 shall be exempt from the provisions of section 33.080
34 relating to the transfer of funds to the general revenue
35 funds of the state by the state treasurer.]

700.041. 1. There is hereby established a fund in the
2 state treasury to be known as the "Manufactured Housing
3 Consumer Recovery Fund" for the purpose of paying consumer
4 claims under procedures the commission may promulgate by

5 rule. The public service commission shall administer the
6 manufactured housing consumer recovery fund and all moneys
7 in the fund shall be used solely as prescribed in this
8 section. Any interest earned from the investment of moneys
9 in the fund shall be credited to the fund.

10 2. Claims approved by the commission under law may be
11 paid from the fund subject to appropriation. No claims
12 shall be considered by the commission until all other legal
13 remedies have been exhausted. The commission shall
14 establish an advisory committee to assist with the
15 evaluation of all claims filed by consumers. The committee
16 members shall be volunteers and serve without compensation.

17 [3. Notwithstanding the provisions of section 33.080
18 to the contrary, moneys in the manufactured housing consumer
19 recovery fund shall not be transferred to the credit of the
20 general revenue fund at the end of the biennium; however,
21 the total amount in the manufactured housing consumer
22 recovery fund shall not exceed thirty-two percent of the
23 amount of the annual appropriation of the manufactured
24 housing fund from the preceding fiscal year. Moneys in the
25 manufactured housing consumer recovery fund may be
26 transferred back to the manufactured housing fund by
27 appropriation.]

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