

SECOND REGULAR SESSION

SENATE BILL NO. 889

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

4259S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 21.851, 32.088, 67.5125, 86.353, 99.1205, 100.260, 103.003, 103.005, 103.047, 103.083, 103.089, 103.095, 103.141, 103.175, 103.178, 104.352, 105.721, 130.034, 135.204, 135.276, 135.277, 135.279, 135.281, 135.283, 135.313, 135.530, 135.545, 135.546, 135.680, 135.682, 135.710, 135.766, 135.800, 135.980, 136.450, 142.1000, 143.173, 143.732, 143.1008, 143.1009, 143.1013, 143.1014, 143.1017, 143.1027, 143.1100, 160.405, 161.825, 161.1055, 167.225, 167.950, 171.034, 172.287, 173.196, 173.236, 173.680, 173.2510, 178.697, 184.350, 184.351, 184.352, 184.353, 184.355, 184.357, 184.359, 184.362, 184.384, 190.450, 191.211, 191.425, 191.828, 191.831, 191.950, 191.1075, 191.1080, 191.1085, 192.926, 199.020, 208.244, 208.471, 208.482, 208.627, 210.154, 210.1030, 215.263, 217.147, 217.151, 227.817, 252.300, 252.303, 252.306, 252.309, 252.312, 252.315, 252.318, 252.321, 252.324, 252.327, 252.330, 252.333, 260.900, 260.905, 260.910, 260.915, 260.920, 260.925, 260.930, 260.935, 260.940, 260.945, 260.950, 260.955, 260.960, 260.965, 301.140, 301.190, 301.213, 301.562, 313.270, 319.140, 320.092, 320.093, 332.304, 332.305, 334.153, 334.1135, 338.320, 374.007, 393.1072, 394.120, 414.407, 454.433, 454.470, 454.490, 454.849, 476.1000, 488.426, 559.117, 595.202, 620.570, 620.1020, 620.1910, 620.2020, 620.2100, 620.2600, 630.717, 633.420, and 640.030, RSMo, and 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-nine new sections relating to repealing expired, terminated, sunset, and obsolete statutes, with existing penalty provisions.

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

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

Section A. Sections 21.851, 32.088, 67.5125, 86.353,
2 99.1205, 100.260, 103.003, 103.005, 103.047, 103.083, 103.089,
3 103.095, 103.141, 103.175, 103.178, 104.352, 105.721, 130.034,
4 135.204, 135.276, 135.277, 135.279, 135.281, 135.283, 135.313,
5 135.530, 135.545, 135.546, 135.680, 135.682, 135.710, 135.766,
6 135.800, 135.980, 136.450, 142.1000, 143.173, 143.732,
7 143.1008, 143.1009, 143.1013, 143.1014, 143.1017, 143.1027,
8 143.1100, 160.405, 161.825, 161.1055, 167.225, 167.950,
9 171.034, 172.287, 173.196, 173.236, 173.680, 173.2510, 178.697,
10 184.350, 184.351, 184.352, 184.353, 184.355, 184.357, 184.359,
11 184.362, 184.384, 190.450, 191.211, 191.425, 191.828, 191.831,
12 191.950, 191.1075, 191.1080, 191.1085, 192.926, 199.020,
13 208.244, 208.471, 208.482, 208.627, 210.154, 210.1030, 215.263,
14 217.147, 217.151, 227.817, 252.300, 252.303, 252.306, 252.309,
15 252.312, 252.315, 252.318, 252.321, 252.324, 252.327, 252.330,
16 252.333, 260.900, 260.905, 260.910, 260.915, 260.920, 260.925,
17 260.930, 260.935, 260.940, 260.945, 260.950, 260.955, 260.960,
18 260.965, 301.140, 301.190, 301.213, 301.562, 313.270, 319.140,
19 320.092, 320.093, 332.304, 332.305, 334.153, 334.1135, 338.320,
20 374.007, 393.1072, 394.120, 414.407, 454.433, 454.470, 454.490,
21 454.849, 476.1000, 488.426, 559.117, 595.202, 620.570,
22 620.1020, 620.1910, 620.2020, 620.2100, 620.2600, 630.717,
23 633.420, and 640.030, RSMo, and section 167.910 as enacted by
24 house bill no. 1606, ninety-ninth general assembly, second
25 regular session, and section 167.910 as enacted by house bill
26 no. 1415, ninety-ninth general assembly, second regular
27 session, are repealed and forty-nine new sections enacted in
28 lieu thereof, to be known as sections 86.353, 100.260, 103.003,
29 103.005, 103.047, 103.083, 103.089, 103.095, 103.141, 104.352,
30 105.721, 130.034, 135.204, 135.530, 135.800, 160.405, 167.225,
31 167.950, 173.2510, 178.697, 184.350, 184.351, 184.352, 184.353,
32 184.355, 184.357, 184.359, 184.362, 191.211, 191.828, 191.831,

33 208.244, 208.471, 217.151, 301.140, 301.190, 301.562, 313.270,
34 320.092, 394.120, 414.407, 454.433, 454.470, 454.490, 488.426,
35 620.570, 620.1020, 620.2020, and 630.717, to read as follows:

86.353. The right of any person to a benefit, any
2 other right accrued or accruing to any person under the
3 provisions of sections 86.200 to 86.366 and the moneys
4 created pursuant to sections 86.200 to 86.366 are not
5 subject to execution, garnishment, attachment or any other
6 process whatsoever and are unassignable except as in
7 sections 86.200 to 86.366 specifically provided.
8 Notwithstanding the foregoing, nothing in this section shall
9 prevent the board of trustees from honoring the terms of a
10 court order requiring the retirement system to pay all or
11 any portion of the retirement benefit otherwise payable to a
12 retired or disabled member to a third party to satisfy the
13 member's obligation to pay child support or maintenance.
14 Any relief association created pursuant to section 86.500
15 shall be exempt from the tax imposed by sections 143.011 to
16 **[143.1013] 143.1006.**

100.260. 1. There are hereby created four special
2 funds, to be known as the "Industrial Development and
3 Reserve Fund", the "Industrial Development Guarantee Fund",
4 the "Export Finance Fund", and the "Jobs Now Fund", into
5 which the following may be deposited as and when received
6 and designated for deposit in one of such funds:

7 (1) Any moneys appropriated by the general assembly
8 for use by the board in carrying out the powers set forth in
9 sections 100.250 to 100.297;

10 (2) Any moneys made available through the issuance of
11 revenue bonds under the provisions of sections 100.250 to
12 100.295;

13 (3) Any moneys received from grants or which are
14 given, donated, or contributed to the fund from any source;

15 (4) Any moneys received in repayment of loans or from
16 application fees, reserve participation fees, guarantee fees
17 and premium payments as provided for under sections 100.250
18 to 100.297;

19 (5) Any moneys received as interest on deposits or as
20 income on approved investments of the fund;

21 (6) Any moneys obtained from the issuance of revenue
22 bonds or notes by the board;

23 (7) Any moneys that were in the industrial development
24 fund authorized by this section, the economic development
25 reserve authorized by section 620.215, or the industrial
26 revenue bond guarantee fund authorized by section 620.240,
27 respectively, as of September 28, 1985; and

28 (8) Any moneys obtained from any other available
29 source.

30 2. The development and reserve fund, the guarantee
31 fund, the jobs now fund, and the export finance fund shall
32 be administered by the board as provided in sections 100.250
33 to 100.297. Separate accounts may be created within the
34 development and reserve fund and the guarantee fund for
35 moneys specifically appropriated, donated or otherwise
36 received for industrial development purposes. The board may
37 also create such other separate accounts within any of such
38 funds as deemed necessary or appropriate by the board to
39 carry out the duties and purposes of sections 100.250 to
40 100.297. All such separate accounts may be administered by
41 a corporate trustee on behalf of the board upon the terms
42 and conditions established by the board.

43 3. Moneys in the jobs now fund, the development and
44 reserve fund, the guarantee fund, and the export finance

45 fund shall be invested by the board in the manner prescribed
46 by the board and any interest earned on invested moneys
47 shall accrue to the benefit of the respective fund.

48 4. None of the funds and accounts of the board shall
49 be considered a state fund, and money deposited therein may
50 not be appropriated therefrom, nor shall any money deposited
51 therein be subject to the provisions of section 33.080.

52 5. The commissioner of administration shall annually
53 calculate the increased amount of revenue to the state
54 treasury due to the provisions of sections 135.155, 135.286,
55 [135.546,] and subsection 7 of section 620.1039, as enacted
56 or modified by this act and shall allocate up to twelve
57 million dollars of such revenue to the jobs now fund.

103.003. As used in [sections 103.003 to 103.175] **this**
2 **chapter**, the following terms mean:

3 (1) "Actuarial reserves", the necessary funding
4 required to pay all the medical expenses for services
5 provided to members of the plan but for which the claims
6 have not yet been received by the claims administrator;

7 (2) "Actuary", a member of the American Academy of
8 Actuaries or who is an enrolled actuary under the Employee
9 Retirement Income Security Act of 1974;

10 (3) "Agency", a state-sponsored institution of higher
11 learning, political subdivision or governmental entity or
12 instrumentality;

13 (4) "Alternative delivery health care program", a plan
14 of covered benefits that pays medical expenses through an
15 alternate mechanism rather than on a fee-for-service basis.
16 This includes, but is not limited to, health maintenance
17 organizations and preferred provider organizations, all of
18 which shall include chiropractic physicians licensed under
19 chapter 331, in the provider networks or organizations;

20 (5) "Board", the board of trustees of the Missouri
21 consolidated health care plan;

22 (6) "Claims administrator", an agency contracted to
23 process medical claims submitted from providers or members
24 of the plan and their dependents;

25 (7) "Coordination of benefits", to work with another
26 group-sponsored health care plan which also covers a member
27 of the plan to ensure that both plans pay their appropriate
28 amount of the health care expenses incurred by the member;

29 (8) "Covered benefits", a schedule of covered
30 services, including chiropractic services, which are payable
31 under the plan;

32 (9) "Employee", any person employed full time by the
33 state or a participating member agency, or a person eligible
34 for coverage by a state-sponsored retirement system or a
35 retirement system sponsored by a participating member agency
36 of the plan;

37 (10) "Evidence of good health", medical information
38 supplied by a potential member of the plan that is reviewed
39 to determine the financial risk the person represents to the
40 plan and the corresponding determination of whether or not
41 he or she should be accepted into the plan;

42 (11) "Health care plan", any group medical benefit
43 plan providing coverage on an expense-incurred basis, any
44 HMO, any group service or indemnity contract issued by a
45 health plan of any type or description;

46 (12) "Medical benefits coverages" shall include
47 services provided by chiropractic physicians as well as
48 physicians licensed under chapter 334;

49 (13) "Medical expenses", costs for services performed
50 by a provider and covered under the plan;

51 (14) "Missouri consolidated health care plan benefit
52 fund account", the benefit trust fund account containing all
53 payroll deductions, payments, and income from all sources
54 for the plan;

55 (15) "Officer", an elected official of the state of
56 Missouri;

57 (16) "Participating higher education entity", a state-
58 sponsored institution of higher learning;

59 (17) "Participating member agency", a political
60 subdivision or governmental entity that has elected to join
61 the plan and has been accepted by the board;

62 (18) "Plan year", a twelve-month period designated by
63 the board which is used to calculate the annual rate
64 categories and the appropriate coverage;

65 (19) "Provider", a physician, hospital, pharmacist,
66 psychologist, chiropractic physician or other licensed
67 practitioner who or which provides health care services
68 within the respective scope of practice of such practitioner
69 pursuant to state law and regulation;

70 (20) "Retiree", a person who is not an employee and is
71 receiving or is entitled to receive an annuity benefit from
72 a state-sponsored retirement system or a retirement system
73 of a participating member agency of the plan or becomes
74 eligible for retirement benefits because of service with a
75 participating member agency.

103.005. For the purpose of covering medical expenses
2 of the officers, employees and retirees, the eligible
3 dependents of officers, employees and retirees and to the
4 surviving spouses and children of deceased officers,
5 employees and retirees of the state and participating member
6 agencies of the state, there is hereby created and
7 established a health care plan which shall be a body

8 corporate, which shall be under the management of the board
9 of trustees herein described, and shall be known as the
10 "Missouri Consolidated Health Care Plan". Notwithstanding
11 any provision of law to the contrary, such plan may sue and
12 be sued, transact business, contract, invest funds and hold
13 cash, securities and other property and shall be vested with
14 such other powers as may be necessary or proper to enable
15 it, its officers, employees, and agents to carry out fully
16 and effectively all the purposes of [sections 103.003 to
17 103.175] **this chapter**.

103.047. Each trustee shall be entitled to one vote.
2 Six trustees shall constitute a quorum for the transaction
3 of business and any official action of the board shall be
4 based on the majority vote of the trustees present. Unless
5 otherwise expressly provided in [sections 103.003 to
6 103.175] **this chapter**, a meeting need not be called or held
7 to make any decision on a matter before the board. Each
8 member must be sent by the executive director a copy of the
9 matter to be decided with full information on the question
10 from the files of the plan. The concurring decisions of six
11 trustees may decide the issue by signing a document
12 declaring their decision and sending the written document to
13 the executive director within fifteen days after the
14 document and information was mailed to the trustee. If any
15 trustee is not in agreement with the six trustees, the
16 matter is to be passed on at a regular board meeting or a
17 special meeting called for that purpose.

103.083. The board shall provide or contract, or both,
2 on its own behalf, for medical benefits coverage and
3 services for persons covered under [sections 103.003 to
4 103.175] **this chapter** and enrolled in the plan. The board
5 may contract for medical benefits coverage with alternative

6 delivery health care programs where available. Medical
7 expenses shall also include expenses for comparable benefits
8 for employees who rely solely on spiritual means through
9 prayer for healing.

103.089. Participants in the program of medical
2 benefits coverage provided by [sections 103.003 to 103.175]
3 **this chapter** who are eligible for Medicare benefits and who
4 are not eligible for the program of medical benefits
5 coverage provided under sections 103.083 to 103.098 to be
6 their primary plan of coverage benefits shall be provided
7 substantially similar benefits provided participants who are
8 not eligible for Medicare benefits. Medical benefits
9 coverage provided under [sections 103.003 to 103.175] **this**
10 **chapter** shall be coordinated with Medicare benefits for
11 participants covered by part A or part B, or both, of
12 Medicare benefits, or for participants eligible for but not
13 covered by part A or part B, or both, of Medicare benefits,
14 reduced by an amount determined by the claims administrator
15 to provide a benefit equivalent to the amount which would be
16 provided on a coordination of benefit basis for such
17 participants if such participants were covered by part A or
18 part B, or both, of Medicare benefits. As used in sections
19 103.083 to 103.098, the term "Medicare benefits" shall
20 include those medical benefits provided by Title XVIII, A
21 and B, Public Law 89-97, 1965 amendments to the federal
22 Social Security Act (42 U.S.C. Section 301, et seq.) and
23 amendments thereto. Any participating member agency having
24 employees or eligible retirees not covered by Medicare shall
25 authorize the plan at its option to enroll those individuals
26 for medical benefits as provided by Title XVIII, A and B,
27 Public Law 89-97, 1965 amendments to the federal Social
28 Security Act whenever they become eligible for such benefits

29 and the plan shall pay the premium for such enrollment on
30 behalf of that person. The Medicare premium amounts shall
31 be included in the rate established by the actuary for
32 providing medical benefits coverage to such a participating
33 member agency. Anyone not authorizing this Medicare
34 enrollment shall be denied coverage.

103.095. Notwithstanding any other provision of law to
2 the contrary, any member of the general assembly and any
3 elected state official holding a statewide elective state
4 office, who ceases to hold elective office, or any person
5 employed by the elected official or employed by a member of
6 the general assembly, whose employment is terminated because
7 such elected official or member of the general assembly
8 ceases to hold elective office, may elect to continue
9 insurance benefits to cover medical expenses provided under
10 [sections 103.003 to 103.175] **this chapter**, by paying the
11 cost of such benefits as determined by the board. If an
12 eligible person does not elect to continue the coverage
13 within thirty-one days from the last day of the month in
14 which the eligible person ceases to be an employee, he may
15 not later elect to be covered under this section.

103.141. The persons in each participating member
2 agency eligible for coverage by the plan shall include,
3 subject to the limitations contained in [sections 103.003 to
4 103.175] **this chapter**:

5 (1) All employees, retirees, former employees entitled
6 to a retirement benefit because of service with the
7 participating member agency, employees eligible for a
8 disability benefit from the participating member agency,
9 employees on a leave of absence, and their dependents;

10 (2) All persons, and their dependents, who become
11 employees of a participating member agency on or after the

12 date such agency becomes covered under the plan, and who
13 wish to enroll in the plan; and

14 (3) All persons who become eligible for retirement
15 benefits because of service with the participating member
16 agency, persons who become eligible for a disability benefit
17 from the participating member agency, and their
18 unemancipated dependents, on or after the date such
19 participating member agency becomes covered under the plan,
20 and who have been continuously covered by the benefits under
21 [sections 103.003 to 103.175] **this chapter** for at least the
22 shorter of:

23 (a) Two years prior to the date of disability of the
24 employee or his eligibility for normal or early retirement;
25 or

26 (b) From the initial date of eligibility for the
27 benefits provided by [sections 103.003 to 103.175] **this**
28 **chapter**.

104.352. 1. Each employee described in paragraph (b)
2 of subdivision (21) of section 104.010 shall be entitled to
3 the same insurance benefits provided under [sections 103.003
4 to 103.175] **chapter 103** to employees described in paragraph
5 (a) of subdivision (21) of section 104.010 to cover the
6 medical expenses of such employees and their spouses and
7 children. Such insurance benefits shall be made available
8 to employees described in paragraph (b) of subdivision (21)
9 of section 104.010 upon their initial employment as such
10 employees in the same manner provided for employees
11 described in paragraph (a) of subdivision (21) of section
12 104.010, and shall be continued during any period of time,
13 not to exceed one year, in which such employees are not paid
14 for full-time employment, so long as such employees pay the
15 same amount for such insurance benefits as is required of

employees described in paragraph (a) of subdivision (21) of section 104.010 who continue receiving such insurance benefits during a leave of absence without pay from their employment with the state. Any employee described in paragraph (b) of subdivision (21) of section 104.010 who is reemployed by the general assembly or either house thereof, or by any member of the general assembly while acting in his official capacity as a member, by the thirteenth legislative day of the session of the general assembly immediately following the session of the general assembly in which such employee was last so employed, without having elected to discontinue the insurance benefits described in this subsection, shall be entitled to continue such insurance benefits without having to prove insurability for himself or any of his covered dependents for whom he has paid for such coverage continuously since last employed as an employee described in paragraph (b) of subdivision (21) of section 104.010. Any employee described in paragraph (b) of subdivision (21) of section 104.010 who is not reemployed by the general assembly or either house thereof, or by any member of the general assembly while acting in his official capacity as a member, by the thirteenth legislative day of the session of the general assembly immediately following the session of the general assembly in which such employee was last so employed, shall be deemed terminated as an employee as of such thirteenth legislative day, and the insurance benefits provided for such employee under this subsection and [sections 103.003 to 103.175] **chapter 103** shall be terminated as provided for employees described in paragraph (a) of subdivision (21) of section 104.010 whose employment is terminated. During each month of service in which an employee described in paragraph (b) of subdivision

48 (21) of section 104.010 is employed, the state shall make
49 any contribution required by [sections 103.003 to 103.175]
50 **chapter 103** for such employee.

51 2. Any employee described in paragraph (b) of
52 subdivision (21) of section 104.010 who is actively employed
53 on or after September 28, 1992, shall be deemed vested for
54 purposes of determining eligibility for benefits under
55 sections 104.320 to 104.620 after being so employed for at
56 least sixty months.

105.721. 1. The commissioner of administration may,
2 in his discretion, direct that any or all of the moneys
3 appropriated to the state legal expense fund be expended to
4 procure one or more policies of insurance to insure against
5 all or any portion of the potential liabilities of the state
6 of Missouri or its agencies, officers, and employees.

7 2. Until July 1, 1996, the commissioner of
8 administration may procure one or more policies of insurance
9 or reinsurance to insure against all potential losses from
10 liabilities incurred by the state legal expense fund under
11 paragraphs (d) and (e) of subdivision (3) of subsection 2 of
12 section 105.711. [On or before January 1, 1996, the
13 commissioner of administration shall prepare and distribute
14 a report regarding the cost effectiveness of insuring
15 against potential losses to the state under paragraphs (d)
16 and (e) of subdivision (3) of subsection 2 of section
17 105.711, by the direct purchase of an insurance policy or
18 policies as compared to self-insuring against such losses
19 through appropriations to the state legal expense fund under
20 section 105.711. The report shall be submitted to the
21 governor, the speaker of the house of representatives, the
22 president pro tempore of the senate, and upon request to any
23 member of the general assembly.]

24 3. After consultation with the state courts
25 administrator, the commissioner of administration shall
26 procure such surety bonds as are required by statute and
27 such surety bonds as he deems necessary to protect the state
28 against loss from the acts or omissions of any person within
29 the judiciary that receives compensation from the state. No
30 other bond for such person shall be required for the
31 protection of the state. A copy of any bond procured
32 pursuant to this section shall be filed with the secretary
33 of state.

 130.034. 1. Contributions as defined in section
2 130.011, received by any committee shall not be converted to
3 any personal use.

4 2. Contributions may be used for any purpose allowed
5 by law including, but not limited to:

6 (1) Any ordinary expenses incurred relating to a
7 campaign;

8 (2) Any ordinary and necessary expenses incurred in
9 connection with the duties of a holder of elective office;

10 (3) Any expenses associated with the duties of
11 candidacy or of elective office pertaining to the
12 entertaining of or providing social courtesies to
13 constituents, professional associations, or other holders of
14 elective office;

15 (4) The return of any contribution to the person who
16 made the contribution to the candidate or holder of elective
17 office;

18 (5) To contribute to a political organization or
19 candidate committee as allowed by law;

20 (6) To establish a new committee as defined by this
21 chapter;

22 (7) To make an unconditional gift which is fully
23 vested to any charitable, fraternal or civic organizations
24 or other associations formed to provide for some good in the
25 order of benevolence, if such candidate, former candidate or
26 holder of elective office or such person's immediate family
27 gain no direct financial benefit from the unconditional
28 gift[;

29 (8) Except when such candidate, former candidate or
30 holder of elective office dies while the committee remains
31 in existence, the committee may make an unconditional gift
32 to a fund established for the benefit of the spouse and
33 children of the candidate, former candidate or holder of
34 elective office. The provisions of this subdivision shall
35 expire October 1, 1997].

36 3. Upon the death of the candidate, former candidate
37 or holder of elective office who received such
38 contributions, all contributions shall be disposed of
39 according to this section and any funds remaining after
40 final settlement of the candidate's decedent's estate, or if
41 no estate is opened, then twelve months after the
42 candidate's death, will escheat to the state of Missouri to
43 be deposited in the general revenue fund.

44 4. No contributions, as defined in section 130.011,
45 received by a candidate, former candidate or holder of
46 elective office shall be used to make restitution payments
47 ordered of such individual by a court of law or for the
48 payment of any fine resulting from conviction of a violation
49 of any local, state or federal law.

50 5. Committees described in subdivision (18) of section
51 130.011 shall make expenditures only for the purpose of
52 determining whether an individual will be a candidate. Such
53 expenditures include polling information, mailings, personal

54 appearances, telephone expenses, office and travel expenses
55 but may not include contributions to other candidate
56 committees.

57 6. Any moneys in the exploratory committee fund may be
58 transferred to the candidate committee upon declaration of
59 candidacy for the position being explored. Such funds shall
60 be included for the purposes of reporting and limitation.
61 In the event that candidacy is not declared for the position
62 being explored, the remaining exploratory committee funds
63 shall be returned to the contributors on a pro rata basis.
64 In no event shall the amount returned exceed the amount
65 given by each contributor nor be less than ten dollars.

66 7. Funds held in candidate committees, campaign
67 committees, debt service committees, and exploratory
68 committees shall be liquid such that these funds shall be
69 readily available for the specific and limited purposes
70 allowed by law. These funds may be invested only in short-
71 term treasury instruments or short-term bank certificates
72 with durations of one year or less, or that allow the
73 removal of funds at any time without any additional
74 financial penalty other than the loss of interest income.
75 Continuing committees, political party committees, and other
76 committees such as out-of-state committees not formed for
77 the benefit of any single candidate or ballot issue shall
78 not be subject to the provisions of this subsection. This
79 subsection shall not be interpreted to restrict the
80 placement of funds in an interest-bearing checking account.

135.204. The repeal and reenactment of sections
2 99.918, 99.1082, 135.205, 135.207, 135.230, 135.530,
3 135.903, 135.953, [215.263,] and 620.1023 of section A of
4 this act shall become effective on April 1, 2011, or when
5 the United States Census Bureau's American Community Survey,

6 based on the most recent of five-year period estimate data
7 in which the final year of the estimate period ends in zero
8 becomes available, which first occurs. The commissioner of
9 the office of administration shall notify the revisor of
10 statutes when the updated United States Census Bureau data
11 has been released.

135.530. For the purposes of sections 100.010,
2 100.710, 100.850, 135.110, 135.200, 135.258, [135.313,]
3 135.403, 135.405, 135.503, 135.530, [135.545,] 215.030,
4 348.300, 348.302, and 620.1400 to 620.1460, "distressed
5 community" means either a Missouri municipality within a
6 metropolitan statistical area which has a median household
7 income of under seventy percent of the median household
8 income for the metropolitan statistical area, according to
9 the United States Census Bureau's American Community Survey,
10 based on the most recent of five-year period estimate data
11 in which the final year of the estimate ends in either zero
12 or five, or a United States census block group or contiguous
13 group of block groups within a metropolitan statistical area
14 which has a population of at least two thousand five
15 hundred, and each block group having a median household
16 income of under seventy percent of the median household
17 income for the metropolitan area in Missouri, according to
18 the United States Census Bureau's American Community Survey,
19 based on the most recent of five-year period estimate data
20 in which the final year of the estimate ends in either zero
21 or five. In addition the definition shall include
22 municipalities not in a metropolitan statistical area, with
23 a median household income of under seventy percent of the
24 median household income for the nonmetropolitan areas in
25 Missouri according to the United States Census Bureau's
26 American Community Survey, based on the most recent of five-

year period estimate data in which the final year of the estimate ends in either zero or five or a census block group or contiguous group of block groups which has a population of at least two thousand five hundred with each block group having a median household income of under seventy percent of the median household income for the nonmetropolitan areas of Missouri, according to the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. In metropolitan statistical areas, the definition shall include areas that were designated as either a federal empowerment zone; or a federal enhanced enterprise community; or a state enterprise zone that was originally designated before January 1, 1986, but shall not include expansions of such state enterprise zones done after March 16, 1988.

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the "Tax Credit Accountability Act of 2004".

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) "Administering agency", the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) "Agricultural tax credits", the agricultural product utilization contributor tax credit created pursuant to section 348.430, the new generation cooperative incentive tax credit created pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section 348.505, the qualified beef tax credit created under

17 section 135.679, and the wine and grape production tax
18 credit created pursuant to section 135.700;

19 (3) "Business recruitment tax credits", the business
20 facility tax credit created pursuant to sections 135.110 to
21 135.150 and section 135.258, the enterprise zone tax
22 benefits created pursuant to sections 135.200 to 135.270,
23 the business use incentives for large-scale development
24 programs created pursuant to sections 100.700 to 100.850,
25 the development tax credits created pursuant to sections
26 32.100 to 32.125, the rebuilding communities tax credit
27 created pursuant to section 135.535, the film production tax
28 credit created pursuant to section 135.750, the enhanced
29 enterprise zone created pursuant to sections 135.950 to
30 135.970, and the Missouri quality jobs program created
31 pursuant to sections 620.1875 to 620.1900;

32 (4) "Community development tax credits", the
33 neighborhood assistance tax credit created pursuant to
34 sections 32.100 to 32.125[,] **and** the family development
35 account tax credit created pursuant to sections 208.750 to
36 208.775[, the dry fire hydrant tax credit created pursuant
37 to section 320.093, and the transportation development tax
38 credit created pursuant to section 135.545];

39 (5) "Domestic and social tax credits", the youth
40 opportunities tax credit created pursuant to section 135.460
41 and sections 620.1100 to 620.1103, the shelter for victims
42 of domestic violence created pursuant to section 135.550,
43 the senior citizen or disabled person property tax credit
44 created pursuant to sections 135.010 to 135.035, the
45 adoption tax credit created pursuant to sections 135.325 to
46 135.339, the champion for children tax credit created
47 pursuant to section 135.341, the maternity home tax credit
48 created pursuant to section 135.600, the surviving spouse

49 tax credit created pursuant to section 135.090, the
50 residential treatment agency tax credit created pursuant to
51 section 135.1150, the pregnancy resource center tax credit
52 created pursuant to section 135.630, the food pantry tax
53 credit created pursuant to section 135.647, the residential
54 dwelling access tax credit created pursuant to section
55 135.562, the developmental disability care provider tax
56 credit created under section 135.1180, the shared care tax
57 credit created pursuant to section 192.2015, the health,
58 hunger, and hygiene tax credit created pursuant to section
59 135.1125, and the diaper bank tax credit created pursuant to
60 section 135.621;

61 (6) "Entrepreneurial tax credits", the capital tax
62 credit created pursuant to sections 135.400 to 135.429, the
63 certified capital company tax credit created pursuant to
64 sections 135.500 to 135.529, the seed capital tax credit
65 created pursuant to sections 348.300 to 348.318, the new
66 enterprise creation tax credit created pursuant to sections
67 620.635 to 620.653, the research tax credit created pursuant
68 to section 620.1039, the small business incubator tax credit
69 created pursuant to section 620.495, [the guarantee fee tax
70 credit created pursuant to section 135.766,] and the new
71 generation cooperative tax credit created pursuant to
72 sections 32.105 to 32.125;

73 (7) "Environmental tax credits", [the charcoal
74 producer tax credit created pursuant to section 135.313,]
75 the wood energy tax credit created pursuant to sections
76 135.300 to 135.311[, and the alternative fuel stations tax
77 credit created pursuant to section 135.710];

78 (8) "Financial and insurance tax credits", the bank
79 franchise tax credit created pursuant to section 148.030,
80 the bank tax credit for S corporations created pursuant to

81 section 143.471, the exam fee tax credit created pursuant to
82 section 148.400, the health insurance pool tax credit
83 created pursuant to section 376.975, the life and health
84 insurance guaranty tax credit created pursuant to section
85 376.745, the property and casualty guaranty tax credit
86 created pursuant to section 375.774, and the self-employed
87 health insurance tax credit created pursuant to section
88 143.119;

89 (9) "Housing tax credits", the neighborhood
90 preservation tax credit created pursuant to sections 135.475
91 to 135.487, the low-income housing tax credit created
92 pursuant to sections 135.350 to 135.363, and the affordable
93 housing tax credit created pursuant to sections 32.105 to
94 32.125;

95 (10) "Recipient", the individual or entity who both:

96 (a) Is the original applicant for a tax credit; and

97 (b) Who directly receives a tax credit or the right to
98 transfer a tax credit under a tax credit program, regardless
99 as to whether the tax credit has been used or redeemed; a
100 recipient shall not include the transferee of a transferable
101 tax credit;

102 (11) "Redevelopment tax credits", the historic
103 preservation tax credit created pursuant to sections 253.545
104 to 253.559, the brownfield redevelopment program tax credit
105 created pursuant to sections 447.700 to 447.718, the
106 community development corporations tax credit created
107 pursuant to sections 135.400 to 135.430, the infrastructure
108 tax credit created pursuant to subsection 6 of section
109 100.286, the bond guarantee tax credit created pursuant to
110 section 100.297, **and** the disabled access tax credit created
111 pursuant to section 135.490[, the new markets tax credit
112 created pursuant to section 135.680, and the distressed

113 areas land assemblage tax credit created pursuant to section
114 99.1205];

115 (12) "Tax credit program", any of the tax credit
116 programs included in the definitions of agricultural tax
117 credits, business recruitment tax credits, community
118 development tax credits, domestic and social tax credits,
119 entrepreneurial tax credits, environmental tax credits,
120 housing tax credits, redevelopment tax credits, and training
121 and educational tax credits;

122 (13) "Training and educational tax credits", the
123 Missouri works new jobs tax credit and Missouri works
124 retained jobs credit created pursuant to sections 620.800 to
125 620.809.

160.405. 1. A person, group or organization seeking
2 to establish a charter school shall submit the proposed
3 charter, as provided in this section, to a sponsor. If the
4 sponsor is not a school board, the applicant shall give a
5 copy of its application to the school board of the district
6 in which the charter school is to be located and to the
7 state board of education, within five business days of the
8 date the application is filed with the proposed sponsor.
9 The school board may file objections with the proposed
10 sponsor, and, if a charter is granted, the school board may
11 file objections with the state board of education. The
12 charter shall include a legally binding performance contract
13 that describes the obligations and responsibilities of the
14 school and the sponsor as outlined in sections 160.400 to
15 160.425 and section 167.349 and shall address the following:

16 (1) A mission and vision statement for the charter
17 school;

18 (2) A description of the charter school's
19 organizational structure and bylaws of the governing body,

20 which will be responsible for the policy, financial
21 management, and operational decisions of the charter school,
22 including the nature and extent of parental, professional
23 educator, and community involvement in the governance and
24 operation of the charter school;

25 (3) A financial plan for the first three years of
26 operation of the charter school including provisions for
27 annual audits;

28 (4) A description of the charter school's policy for
29 securing personnel services, its personnel policies,
30 personnel qualifications, and professional development plan;

31 (5) A description of the grades or ages of students
32 being served;

33 (6) The school's calendar of operation, which shall
34 include at least the equivalent of a full school term as
35 defined in section 160.011;

36 (7) A description of the charter school's pupil
37 performance standards and academic program performance
38 standards, which shall meet the requirements of subdivision
39 (6) of subsection 4 of this section. The charter school
40 program shall be designed to enable each pupil to achieve
41 such standards and shall contain a complete set of
42 indicators, measures, metrics, and targets for academic
43 program performance, including specific goals on graduation
44 rates and standardized test performance and academic growth;

45 (8) A description of the charter school's educational
46 program and curriculum;

47 (9) The term of the charter, which shall be five years
48 and may be renewed;

49 (10) Procedures, consistent with the Missouri
50 financial accounting manual, for monitoring the financial
51 accountability of the charter, which shall meet the

requirements of subdivision (4) of subsection 4 of this section;

(11) Preopening requirements for applications that require that charter schools meet all health, safety, and other legal requirements prior to opening;

(12) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements and procedures that ensure admission of students with disabilities in a nondiscriminatory manner;

(13) A description of the charter school's grievance procedure for parents or guardians;

(14) A description of the agreement and time frame for implementation between the charter school and the sponsor as to when a sponsor shall intervene in a charter school, when a sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and when a sponsor will not renew a charter under subsection 9 of this section;

(15) Procedures to be implemented if the charter school should close, as provided in subdivision (6) of subsection 16 of section 160.400 including:

(a) Orderly transition of student records to new schools and archival of student records;

(b) Archival of business operation and transfer or repository of personnel records;

(c) Submission of final financial reports;

(d) Resolution of any remaining financial obligations;

(e) Disposition of the charter school's assets upon closure; and

83 (f) A notification plan to inform parents or guardians
84 of students, the local school district, the retirement
85 system in which the charter school's employees participate,
86 and the state board of education within thirty days of the
87 decision to close;

88 (16) A description of the special education and
89 related services that shall be available to meet the needs
90 of students with disabilities; and

91 (17) For all new or revised charters, procedures to be
92 used upon closure of the charter school requiring that
93 unobligated assets of the charter school be returned to the
94 department of elementary and secondary education for their
95 disposition, which upon receipt of such assets shall return
96 them to the local school district in which the school was
97 located, the state, or any other entity to which they would
98 belong.

99 Charter schools operating on August 27, 2012, shall have
100 until August 28, 2015, to meet the requirements of this
101 subsection.

102 2. Proposed charters shall be subject to the following
103 requirements:

104 (1) A charter shall be submitted to the sponsor, and
105 follow the sponsor's policies and procedures for review and
106 granting of a charter approval, and be approved by the state
107 board of education by January thirty-first prior to the
108 school year of the proposed opening date of the charter
109 school;

110 (2) A charter may be approved when the sponsor
111 determines that the requirements of this section are met,
112 determines that the applicant is sufficiently qualified to
113 operate a charter school, and that the proposed charter is

consistent with the sponsor's charter sponsorship goals and capacity. The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;

(3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

(4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, that the applicant is sufficiently qualified to operate the charter school, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

(5) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted

by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended from school three or more times, has a history of severe truancy, is a pregnant or parenting teen, has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is homeless or has been homeless sometime within the preceding six months, has been referred by an area school district for enrollment in an alternative program, or qualifies as high risk under department of elementary and secondary education guidelines. Dropout shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, the charter application shall be submitted to the state board of education, along with a statement of finding by the sponsor that the application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under which the charter sponsor shall evaluate the academic performance, including annual performance reports, of students enrolled in the charter school. The state board of education shall approve or deny a charter application within sixty days of receipt of the application. The state board

of education may deny a charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.425 and section 167.349 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor. Any denial of a charter application made by the state board of education shall be in writing and shall identify the specific failures of the application to meet the requirements of sections 160.400 to 160.425 and section 167.349, and the written denial shall be provided within ten business days to the sponsor.

4. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, county, or city relating to health, safety, and state minimum educational standards, as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school records under section 167.020, the minimum amount of school time required under section 171.031, and the employee criminal history background check and the family care safety registry check under section 168.133;

(3) Except as provided in sections 160.400 to 160.425 and as specifically provided in other sections, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual,

provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports as provided in chapter 165, provided that the annual financial report may be published on the department of elementary and secondary education's internet website in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies and comply with all federal audit requirements for charters with local educational agency status. For purposes of an audit by petition under section 29.230, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700. A charter school that incurs debt shall include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from early childhood through grade twelve, as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, establish baseline student performance in accordance with the performance contract during the first year of operation, collect student performance data as defined by the annual performance report throughout the duration of the charter to annually monitor student academic performance, and to the

242 extent applicable based upon grade levels offered by the
243 charter school, participate in the statewide system of
244 assessments, comprised of the essential skills tests and the
245 nationally standardized norm-referenced achievement tests,
246 as designated by the state board pursuant to section
247 160.518, complete and distribute an annual report card as
248 prescribed in section 160.522, which shall also include a
249 statement that background checks have been completed on the
250 charter school's board members, and report to its sponsor,
251 the local school district, and the state board of education
252 as to its teaching methods and any educational innovations
253 and the results thereof. No charter school shall be
254 considered in the Missouri school improvement program review
255 of the district in which it is located for the resource or
256 process standards of the program.

257 (b) For proposed high-risk or alternative charter
258 schools, sponsors shall approve performance measures based
259 on mission, curriculum, teaching methods, and services.
260 Sponsors shall also approve comprehensive academic and
261 behavioral measures to determine whether students are
262 meeting performance standards on a different time frame as
263 specified in that school's charter. Student performance
264 shall be assessed comprehensively to determine whether a
265 high-risk or alternative charter school has documented
266 adequate student progress. Student performance shall be
267 based on sponsor-approved comprehensive measures as well as
268 standardized public school measures. Annual presentation of
269 charter school report card data to the department of
270 elementary and secondary education, the state board, and the
271 public shall include comprehensive measures of student
272 progress.

(c) Nothing in this subdivision shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter. The performance standards for alternative and special purpose charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this section shall be based on measures defined in the school's performance contract with its sponsors;

(7) Comply with all applicable federal and state laws and regulations regarding students with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor legislation;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or denial by the sponsor, specifically addressing the requirements of sections 160.400 to 160.425 and 167.349.

5. (1) Proposed or existing high-risk or alternative charter schools may include alternative arrangements for students to obtain credit for satisfying graduation requirements in the school's charter application and charter. Alternative arrangements may include, but not be

limited to, credit for off-campus instruction, embedded credit, work experience through an internship arranged through the school, and independent studies. When the state board of education approves the charter, any such alternative arrangements shall be approved at such time.

(2) The department of elementary and secondary education shall conduct a study of any charter school granted alternative arrangements for students to obtain credit under this subsection after three years of operation to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations during the first year of operation and then every other year after the most recent review or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational

336 agencies to such schools within thirty days of receiving
337 such notice.

338 7. Sponsors shall annually review the charter school's
339 compliance with statutory standards including:

340 (1) Participation in the statewide system of
341 assessments, as designated by the state board of education
342 under section 160.518;

343 (2) Assurances for the completion and distribution of
344 an annual report card as prescribed in section 160.522;

345 (3) The collection of baseline data during the first
346 three years of operation to determine the longitudinal
347 success of the charter school;

348 (4) A method to measure pupil progress toward the
349 pupil academic standards adopted by the state board of
350 education under section 160.514; and

351 (5) Publication of each charter school's annual
352 performance report.

353 8. (1) (a) A sponsor's policies shall give schools
354 clear, adequate, evidence-based, and timely notice of
355 contract violations or performance deficiencies and mandate
356 intervention based upon findings of the state board of
357 education of the following:

358 a. The charter school provides a high school program
359 which fails to maintain a graduation rate of at least
360 seventy percent in three of the last four school years
361 unless the school has dropout recovery as its mission;

362 b. The charter school's annual performance report
363 results are below the district's annual performance report
364 results based on the performance standards that are
365 applicable to the grade level configuration of both the
366 charter school and the district in which the charter school
367 is located in three of the last four school years; and

368 c. The charter school is identified as a persistently
369 lowest achieving school by the department of elementary and
370 secondary education.

371 (b) A sponsor shall have a policy to revoke a charter
372 during the charter term if there is:

373 a. Clear evidence of underperformance as demonstrated
374 in the charter school's annual performance report in three
375 of the last four school years; or

376 b. A violation of the law or the public trust that
377 imperils students or public funds.

378 (c) A sponsor shall revoke a charter or take other
379 appropriate remedial action, which may include placing the
380 charter school on probationary status for no more than
381 twenty-four months, provided that no more than one
382 designation of probationary status shall be allowed for the
383 duration of the charter contract, at any time if the charter
384 school commits a serious breach of one or more provisions of
385 its charter or on any of the following grounds: failure to
386 meet the performance contract as set forth in its charter,
387 failure to meet generally accepted standards of fiscal
388 management, failure to provide information necessary to
389 confirm compliance with all provisions of the charter and
390 sections 160.400 to 160.425 and 167.349 within forty-five
391 days following receipt of written notice requesting such
392 information, or violation of law.

393 (2) The sponsor may place the charter school on
394 probationary status to allow the implementation of a
395 remedial plan, which may require a change of methodology, a
396 change in leadership, or both, after which, if such plan is
397 unsuccessful, the charter may be revoked.

398 (3) At least sixty days before acting to revoke a
399 charter, the sponsor shall notify the governing board of the

400 charter school of the proposed action in writing. The
401 notice shall state the grounds for the proposed action. The
402 school's governing board may request in writing a hearing
403 before the sponsor within two weeks of receiving the notice.

404 (4) The sponsor of a charter school shall establish
405 procedures to conduct administrative hearings upon
406 determination by the sponsor that grounds exist to revoke a
407 charter. Final decisions of a sponsor from hearings
408 conducted pursuant to this subsection are subject to an
409 appeal to the state board of education, which shall
410 determine whether the charter shall be revoked.

411 (5) A termination shall be effective only at the
412 conclusion of the school year, unless the sponsor determines
413 that continued operation of the school presents a clear and
414 immediate threat to the health and safety of the children.

415 (6) A charter sponsor shall make available the school
416 accountability report card information as provided under
417 section 160.522 and the results of the academic monitoring
418 required under subsection 3 of this section.

419 9. (1) A sponsor shall take all reasonable steps
420 necessary to confirm that each charter school sponsored by
421 such sponsor is in material compliance and remains in
422 material compliance with all material provisions of the
423 charter and sections 160.400 to 160.425 and 167.349. Every
424 charter school shall provide all information necessary to
425 confirm ongoing compliance with all provisions of its
426 charter and sections 160.400 to 160.425 and 167.349 in a
427 timely manner to its sponsor.

428 (2) The sponsor's renewal process of the charter
429 school shall be based on the thorough analysis of a
430 comprehensive body of objective evidence and consider if:

431 (a) The charter school has maintained results on its
432 annual performance report that meet or exceed the district
433 in which the charter school is located based on the
434 performance standards that are applicable to the grade-level
435 configuration of both the charter school and the district in
436 which the charter school is located in three of the last
437 four school years;

438 (b) The charter school is organizationally and
439 fiscally viable determining at a minimum that the school
440 does not have:

- 441 a. A negative balance in its operating funds;
- 442 b. A combined balance of less than three percent of
443 the amount expended for such funds during the previous
444 fiscal year; or
- 445 c. Expenditures that exceed receipts for the most
446 recently completed fiscal year;

447 (c) The charter is in compliance with its legally
448 binding performance contract and sections 160.400 to 160.425
449 and section 167.349; and

450 (d) The charter school has an annual performance
451 report consistent with a classification of accredited for
452 three of the last four years and is fiscally viable as
453 described in paragraph (b) of this subdivision. If such is
454 the case, the charter school may have an expedited renewal
455 process as defined by rule of the department of elementary
456 and secondary education.

457 (3) (a) Beginning August first during the year in
458 which a charter is considered for renewal, a charter school
459 sponsor shall demonstrate to the state board of education
460 that the charter school is in compliance with federal and
461 state law as provided in sections 160.400 to 160.425 and
462 section 167.349 and the school's performance contract

including but not limited to those requirements specific to academic performance.

(b) Along with data reflecting the academic performance standards indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the state board of education for review.

(c) Using the data requested and the revised charter application under paragraphs (a) and (b) of this subdivision, the state board of education shall determine if compliance with all standards enumerated in this subdivision has been achieved. The state board of education at its next regularly scheduled meeting shall vote on the revised charter application.

(d) If a charter school sponsor demonstrates the objectives identified in this subdivision, the state board of education shall renew the school's charter.

10. A school district may enter into a lease with a charter school for physical facilities.

11. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application

to establish a charter school and that is adverse to another employee or an educational program.

12. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756.

13. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035.

14. The chief financial officer of a charter school shall maintain:

(1) A surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school; or

(2) An insurance policy issued by an insurance company licensed to do business in Missouri on all employees in the amount of five hundred thousand dollars or more that provides coverage in the event of employee theft.

15. The department of elementary and secondary education shall calculate an annual performance report for each charter school and shall publish it in the same manner as annual performance reports are calculated and published for districts and attendance centers.

[16. The joint committee on education shall create a committee to investigate facility access and affordability for charter schools. The committee shall be comprised of equal numbers of the charter school sector and the public

526 school sector and shall report its findings to the general
527 assembly by December 31, 2016.]

167.225. 1. [As used in subsections 1 to 4 of this
2 section, the following terms mean:

3 (1) "Braille", the system of reading and writing
4 through touch;

5 (2) "Student", any student who has an impairment in
6 vision that, even with correction, adversely affects a
7 child's educational performance and who is determined
8 eligible for special education services under the
9 Individuals with Disabilities Education Act.

10 2. All students shall receive instruction in Braille
11 reading and writing as part of their individualized
12 education plan unless the individual education program team
13 determines, after an evaluation of a student's reading and
14 writing skills, needs, and appropriate reading and writing
15 media, including an evaluation of the student's future needs
16 for instruction in Braille or the use of Braille, that
17 instruction in Braille or the use of Braille is not
18 appropriate. No student shall be denied instruction in
19 Braille reading and writing solely because the student has
20 some remaining vision.

21 3. Instruction in Braille reading and writing shall be
22 sufficient to enable each student to communicate effectively
23 and efficiently at a level commensurate with the student's
24 sighted peers of comparable grade level and intellectual
25 functioning. The student's individualized education plan
26 shall specify:

27 (1) How Braille will be implemented as the primary
28 mode for learning through integration with normal classroom
29 activities. If Braille will not be provided to a child who

is blind, the reason for not incorporating it in the individualized education plan shall be documented therein;

(2) The date on which Braille instruction will commence;

(3) The level of competency in Braille reading and writing to be achieved by the end of the period covered by the individualized education plan; and

(4) The duration of each session.

4. As part of the certification process, teachers certified in the education of blind and visually impaired children shall be required to demonstrate competence in reading and writing Braille. The department of elementary and secondary education shall adopt assessment procedures to assess such competencies which are consistent with standards adopted by the National Library Service for the Blind and Physically Handicapped, Library of Congress, Washington, D.C.

5.] (1) Subsections [5 to 9] 1 to 5 of this section shall be known and may be cited as the "Blind Students' Rights to Independence, Training, and Education Act" or the "BRITE Act".

(2) As used in subsections [5 to 9] 1 to 5 of this section, the following terms mean:

(a) "Accessible assistive technology device", an assistive technology device, as defined in 20 U.S.C. Section 1401, as amended, that provides blind or visually impaired students the benefits of an educational program in an equally effective and integrated manner as that provided to nondisabled students;

(b) "Adequate instruction", the quality teaching of blind or visually impaired students, as it pertains to general education and necessary blindness skills, in alignment with the U.S. Department of Education's definition

62 of free appropriate public education, as defined in 20
63 U.S.C. Section 1401, as amended;

64 (c) "Blind or visually impaired student":

65 a. A child who:

66 (i) Has an individualized education program (IEP) or
67 an individualized family service plan (IFSP), as such terms
68 are defined in 20 U.S.C. Section 1401, as amended, or a 504
69 plan created under Section 504 of the federal Rehabilitation
70 Act of 1973, 29 U.S.C. Section 794, as amended; and

71 (ii) Is identified as having the disability of visual
72 impairment (including blindness) within the definition of
73 child with a disability in 20 U.S.C. Section 1401, as
74 amended; or

75 b. An individual who is deaf-blind under the federal
76 Individuals with Disabilities Education Act (IDEA), as
77 amended, or other federal law;

78 (d) "Braille", the system of reading and writing
79 through touch;

80 (e) "Expanded core curriculum", a disability-specific
81 curriculum that compensates for vision loss, is foundational
82 to all other learning, and that covers the nine essential
83 areas of compensatory access, sensory efficiency, assistive
84 technology, orientation and mobility, social interaction,
85 recreation and leisure, independent living, self-
86 determination, and career education;

87 (f) "Grade level instruction", instruction that aligns
88 with state-designated content standards and curricula for
89 students of the same age or level of maturity, based on the
90 development of intellectual, emotional, physical, and
91 behavioral capacity that is typical for the student's age or
92 age group;

(g) "Local educational agency" or "LEA", the same definition as in 20 U.S.C. Section 1401, as amended;

(h) "Nonvisual access", the ability of a blind or visually impaired student to use all functions of a device, without using the student's vision, in an equally effective, equally integrated manner and with equivalent ease of use as the student's sighted peers;

(i) "Nonvisual skills", skills that are taught in such a way that the student does not need to use any vision;

(j) "State educational agency", the same definition as in 20 U.S.C. Section 1401, as amended;

(k) "Technology-mediated learning environments and methods", the settings in which electronic and information technology including, but not limited to, the following is used:

a. Computer-based applications and simulations;

b. Personal and mobile computing devices such as smartphones or tablets;

c. Web-based platforms;

d. Online or distance-learning programs;

e. Video games; and

f. Exhibits or installations that feature digital media, wearable technology, or other tools that support participants' engagement with new knowledge, skills, or practices;

(l) "U.S. Access Board", the independent federal agency created in 1973 that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards.

[6.] 2. (1) Each blind or visually impaired student shall receive instruction in Braille reading and writing as

part of such student's individualized education program (IEP) or individualized family support plan (IFSP) unless the IEP or IFSP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media including, but not limited to, an evaluation of the student's needs for instruction in Braille or the use of Braille, that instruction in Braille or the use of Braille is not appropriate. No blind or visually impaired student shall be denied instruction in Braille reading and writing solely because the student has some vision. During the evaluation and IEP process, consideration shall be given regarding appropriate Braille instruction based on a potential vision loss due to a degenerative medical diagnosis.

(2) In conjunction with the U.S. Department of Education's Braille presumption requirement in the federal Individuals with Disabilities Education Act (IDEA), as amended, instruction in Braille reading and writing shall be sufficient to enable each blind or visually impaired student to communicate effectively and efficiently at a level commensurate with the student's same age and with the student's nondisabled peers of comparable intellectual ability. The blind or visually impaired student's individualized education program (IEP) or individualized family support plan (IFSP) shall specify:

(a) The results obtained from an evaluation of the blind or visually impaired student's reading and writing skills, needs, and appropriate reading and writing media including, but not limited to, an evaluation of the blind or visually impaired student's needs for instruction in Braille or the use of Braille including, but not limited to, consideration regarding appropriate Braille instruction

based on a potential vision loss due to a degenerative medical diagnosis;

(b) How Braille will be implemented, if needed as determined by the IEP team, as a primary mode for learning through integration with other classroom activities;

(c) The length of the period of instruction and the frequency and duration of each instructional session as determined by the IEP team, which shall, as closely as appropriate based on individual needs, be identical to the level of instruction provided to nondisabled peers; and

(d) The level of competency in Braille reading and writing to be achieved by the end of the period.

(3) Use, and provision, of Braille materials for reading and writing shall be addressed in 504 plans for blind or visually impaired students created under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended.

[7.] 3. In conjunction with academic achievement and functional performance requirements of 34 CFR 300.320(a)(2)(i), as amended, instruction in expanded core curriculum shall be provided to blind or visually impaired students to support progress in the general education curriculum.

[8.] 4. (1) Each blind or visually impaired student shall receive instruction in assistive technology as part of the student's individualized education program (IEP) or individualized family support plan (IFSP) unless the IEP or IFSP team determines, after an evaluation of a student's needs, that instruction in assistive technology is not appropriate. No student shall be denied instruction in assistive technology solely because the student has some vision.

(2) In conjunction with accessible assistive technology requirements of the federal Individuals with Disabilities Education Act (IDEA) in 20 U.S.C. Section 1412(a)(12)(B)(i), as amended, the blind or visually impaired student shall receive grade-level instruction that will equip the blind or visually impaired student with the appropriate technology-mediated learning environments and methods to perform on the same level of proficiency expected of peers of comparable intellectual ability and grade level. The blind or visually impaired student's IEP or IFSP shall specify:

(a) The results obtained from an assessment of the blind or visually impaired student's skills, needs, and appropriate accessible assistive technology including, but not limited to, an evaluation of the future needs for accessible assistive technology training or the use of accessible assistive technology;

(b) How accessible assistive technology will be implemented as a primary mode for learning through integration with other classroom activities;

(c) The frequency and duration of each instructional session;

(d) The level of mastery of the accessible assistive technology specified by the blind or visually impaired student's assessment to be achieved by the end of the period; and

(e) Acknowledgment that either:

a. The blind or visually impaired student may transport the accessible assistive technology to and from school without the need for payment, family assumption of liability for loss or damage, or any other cost to the blind or visually impaired student or the family; or

b. If the accessible assistive technology remains at school, the LEA will provide duplicate accessible assistive technology in the blind or visually impaired student's home without requiring payment, family assumption of liability for loss or damage, or any other cost to the blind or visually impaired student or the family.

(3) Use, and provision, of accessible assistive technology shall be addressed in 504 plans for blind or visually impaired students created under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended.

[9.] 5. (1) Each blind or visually impaired student shall receive instruction in orientation and mobility as part of the student's individualized education program (IEP) or individualized family support plan (IFSP) unless the IEP or IFSP team determines, after an evaluation of a student's needs, that instruction in orientation and mobility is not appropriate. No student shall be denied instruction in orientation and mobility solely because the student has some vision.

(2) In conjunction with orientation and mobility services requirements of 34 CFR 300.34(c)(7), as amended, blind or visually impaired students shall receive orientation and mobility instruction to equip each blind or visually impaired student with the age-appropriate tools, techniques, and nonvisual skills to navigate in and around the student's home, schools, communities, and other environments as applicable, and as expected of peers of comparable intellectual ability and grade level. The blind or visually impaired student's IEP or IFSP shall specify:

(a) The results obtained from an evaluation of the blind or visually impaired student's orientation and

mobility needs including, but not limited to, an evaluation of the blind or visually impaired student's future needs for instruction in orientation and mobility;

(b) How orientation and mobility will be integrated into the home, school, and community;

(c) The date on which orientation and mobility instruction will commence;

(d) The frequency and duration of each instructional session; and

(e) The level of mastery of orientation and mobility skills to be achieved by the end of the period.

(3) Orientation and mobility equipment, accommodations, and modifications shall be addressed in 504 plans for blind or visually impaired students created under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended.

(4) An orientation and mobility evaluation shall be conducted by a person who is appropriately certified by the National Blindness Professional Certification Board (NBPCB) with a National Orientation and Mobility Certification (NOMC), or through the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP) as a Certified Orientation and Mobility Specialist (COMS), or who holds a nationally recognized certification related to orientation and mobility.

(5) The orientation and mobility evaluations described in subdivision (4) of this subsection shall occur in familiar and unfamiliar environments, during the daytime and nighttime, and around the home, school, and community as determined age appropriate by the blind or visually impaired student's IEP or IFSP.

[10.] 6. (1) As part of the state educational agency's certification and renewal process, educators hired to teach Braille shall be certified teachers of students with visual impairments, hold a current and valid National Certification in Unified English Braille (NCUEB) working under the supervision of a reading specialist, or hold a nationally recognized certification related to Braille instruction.

(2) As part of the state educational agency's certification and renewal process, educators hired to teach accessible assistive technology shall be certified teachers of students with visual impairments, hold a valid and current Certified Assistive Technology Instructional Specialist for People with Visual Impairments (CATIS), or hold a valid and current National Certification in Access Technology for the Blind (NCATB) or other nationally recognized certification related to assistive technology instruction for individuals with visual impairments.

(3) As part of the state educational agency's certification and renewal process, specialists hired to teach orientation and mobility shall hold a valid and current National Orientation and Mobility Certification (NOMC) or hold a current and valid Certified Orientation and Mobility Specialist (COMS) certification or other nationally recognized certification related to orientation and mobility instruction for individuals with visual impairments.

[11.] 7. (1) LEAs shall deliver services to blind or visually impaired students in a manner that at all times abides by requirements of the federal Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act, and the Rehabilitation Act of 1973,

as amended, including during declared local, state, or national emergencies.

(2) LEAs shall seek and obtain proof of currently available certified professionals from any company, agency, or individual the LEA intends to contract with for services outlined in subsections [5 to 9] 1 to 5 of this section.

(3) LEAs shall not impose any preclusions or limitations on a student to receive instruction in orientation and mobility services in and around the home, school, or community setting including during daytime and nighttime hours.

(4) LEAs may require annual written parental consent to conduct effective instruction when such services are provided before or after regular school hours or when such services are provided away from the educational institution or the blind or visually impaired student's residence.

(5) If an LEA prohibits an orientation and mobility instructor from using the instructor's preferred mode of transportation to transport blind or visually impaired students to and from outside environments, the LEA shall provide an equally effective transportation alternative for that purpose without cost to the orientation and mobility instructor. If the blind or visually impaired student's family provides transportation for the student, the LEA shall reimburse the expense.

[12.] 8. (1) If an LEA requires an eye report, the LEA shall bear all costs associated with obtaining such report. LEAs shall not delay an evaluation for eligibility based on the absence or delay of such report.

(2) All electronic and information technology developed, procured, maintained, or used by LEAs shall be

compliant with the U.S. Access Board's Section 508 standards, as amended.

(3) LEAs shall anticipate the need for nonvisual accessibility and adopt policies and procedures to reduce or eliminate common barriers experienced by blind or visually impaired students, parents, educators, administrators, and other staff.

[13. Subsections 1 to 4 of this section shall apply in all school years ending before July 1, 2022. Subsections 5 to 12 of]

9. This section shall apply in school year 2022-23 and all subsequent school years.

167.950. 1. (1) By December 31, 2017, the department of elementary and secondary education shall develop guidelines for the appropriate screening of students for dyslexia and related disorders and the necessary classroom support for students with dyslexia and related disorders. [Such guidelines shall be consistent with the findings and recommendations of the task force created under section 633.420.]

(2) In the 2018-19 school year and subsequent years, each public school, including each charter school, shall conduct dyslexia screenings for students in the appropriate year consistent with the guidelines developed by the department of elementary and secondary education.

(3) In the 2018-19 school year and subsequent years, the school board of each district and the governing board of each charter school shall provide reasonable classroom support consistent with the guidelines developed by the department of elementary and secondary education.

2. In the 2018-19 school year and subsequent years, the practicing teacher assistance programs established under

21 section 168.400 shall offer and include two hours of in-
22 service training provided by each local school district for
23 all practicing teachers in such district regarding dyslexia
24 and related disorders. Each charter school shall also offer
25 all of its teachers two hours of training on dyslexia and
26 related disorders. Districts and charter schools may seek
27 assistance from the department of elementary and secondary
28 education in developing and providing such training.
29 Completion of such training shall count as two contact hours
30 of professional development under section 168.021.

31 3. For purposes of this section, the following terms
32 mean:

33 (1) "Dyslexia", a disorder that is neurological in
34 origin, characterized by difficulties with accurate and
35 fluent word recognition and poor spelling and decoding
36 abilities that typically result from a deficit in the
37 phonological component of language, often unexpected in
38 relation to other cognitive abilities and the provision of
39 effective classroom instruction, and of which secondary
40 consequences may include problems in reading comprehension
41 and reduced reading experience that can impede growth of
42 vocabulary and background knowledge. Nothing in this
43 definition shall require a student with dyslexia to obtain
44 an individualized education program (IEP) unless the student
45 has otherwise met the federal conditions necessary;

46 (2) "Dyslexia screening", a short test conducted by a
47 teacher or school counselor to determine whether a student
48 likely has dyslexia or a related disorder in which a
49 positive result does not represent a medical diagnosis but
50 indicates that the student could benefit from approved
51 support;

(3) "Related disorders", disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability;

(4) "Support", low-cost and effective best practices, such as oral examinations and extended test-taking periods, used to support students who have dyslexia or any related disorder.

4. The state board of education shall promulgate rules and regulations for each public school to screen students for dyslexia and related disorders and to provide the necessary classroom support for students with dyslexia and related disorders. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

5. Nothing in this section shall require the MO HealthNet program to expand the services that it provides.

173.2510. 1. This section shall be known and may be cited as the "15 to Finish Act".

2. The coordinating board for higher education, in cooperation with public institutions of higher education in this state, shall develop policies that promote the on-time

6 completion of degree programs by students. The policies
7 shall include, but not be limited to:

8 (1) Defining on-time completion for specific levels of
9 postsecondary credentials;

10 (2) Providing financial incentives to students during
11 their senior year of undergraduate study who are on pace to
12 graduate in no more than eight semesters; and

13 (3) Reducing, when feasible and permitted by
14 accreditation or occupational licensure, the number of
15 credit hours required to earn a degree.

16 [3. By December 1, 2017, the department of higher
17 education and workforce development shall provide a report
18 to the governor and the general assembly describing the
19 actions taken to implement these provisions.]

178.697. 1. Funding for sections 178.691 to 178.699
2 shall be made available pursuant to section 163.031 and
3 shall be subject to appropriations made for this purpose.

4 2. Costs of contractual arrangements shall be the
5 obligation of the school district of residence of each
6 preschool child. Costs of contractual arrangements shall
7 not exceed an amount equal to an amount reimbursable to the
8 school districts under the provisions of sections 178.691 to
9 178.699.

10 3. Payments for participants for programs outlined in
11 section 178.693 shall be uniform for all districts or public
12 agencies.

13 [4. Families with children under the age of
14 kindergarten entry shall be eligible to receive annual
15 development screenings and parents shall be eligible to
16 receive prenatal visits under sections 178.691 to 178.699.
17 Priority for service delivery of approved parent education
18 programs under sections 178.691 to 178.699, which includes,

19 but is not limited to, home visits, group meetings,
20 screenings, and service referrals, shall be given to high-
21 needs families in accordance with criteria set forth by the
22 department of elementary and secondary education. Local
23 school districts may establish cost sharing strategies to
24 supplement funding for such program services. The
25 provisions of this subsection shall expire on December 31,
26 2015, unless reauthorized by an act of the general assembly.]

184.350. 1. Whenever qualified voters representing
2 five percent of the votes cast at the last preceding
3 election for governor in any constitutional charter city not
4 located within a county and qualified voters representing
5 five percent of the votes cast at the last preceding
6 election for governor in a constitutional charter county
7 adjoining such city shall file verified petitions for the
8 establishment of a metropolitan zoological park and museum
9 district, comprising a zoological subdistrict, and art
10 museum subdistrict or a St. Louis Science Center subdistrict
11 with the respective election officials of such city and
12 county, respectively, requesting such election officials to
13 submit a proposition for the establishment of a metropolitan
14 zoological park and museum district comprised of a
15 zoological subdistrict, and art museum subdistrict and a St.
16 Louis Science Center subdistrict at the next general or
17 primary election for the election of state officers or
18 special election for the submission of such proposition,
19 such election officials shall communicate to their
20 corresponding counterparts and the chief executive officers
21 of the respective city and county the fact a verified
22 petition has been filed. At such time that both election
23 officials have received the verified petitions described
24 above, then such officials shall submit the above described

25 proposition or propositions to the qualified voters of such
26 city and county at the next general or primary election for
27 the election of state officers or special election. Such
28 election officials shall give legal notice at least sixty
29 days prior to such general or primary election or special
30 election in at least two newspapers that such proposition or
31 propositions shall be submitted at the next general or
32 primary election or special election held for submission of
33 this proposition.

34 2. Such proposition shall be submitted to the voters
35 in substantially the following form at such election:

36 Shall there be established a Metropolitan Zoological
37 Park and Museum District comprising the City of _____
38 and the County of _____ which district shall consist
39 of all or any one of the following subdistricts:

40 a. Zoological Subdistrict with a tax rate not in
41 excess of four cents on each \$100 of assessed valuation
42 of all taxable property within the district.

43 ☐FOR

☐AGAINST

44 b. Art Museum Subdistrict with a tax rate not in
45 excess of four cents on each \$100 of assessed valuation
46 of taxable property within the district.

47 ☐FOR

☐AGAINST

48 c. St. Louis Science Center Subdistrict with a tax
49 rate not in excess of one cent on each \$100 of assessed
50 valuation of taxable property within the district.

51 ☐FOR

☐AGAINST

52 3. In the event that a majority of the voters voting
53 on such propositions in such city and the majority of voters
54 voting on such propositions in such county at said election

55 cast votes "FOR" one or more of the propositions, then the
56 district shall be deemed established and the tax rate, as
57 established by the board, for such subdistrict shall be
58 deemed in full force and effect as of the first day of the
59 year following the year of said election. The results of
60 the aforesaid election shall be certified by the election
61 officials of such city and county, respectively, to the
62 respective chief executive officers of such city and county
63 not less than thirty days after the day of election. In the
64 event one or more of the propositions shall fail to receive
65 a majority of the votes "FOR" in either the city or the
66 county, then such proposition shall not be resubmitted at
67 any election held within one year of the date of the
68 election the proposition was rejected. Any such
69 resubmissions of one or more of such propositions shall
70 substantially comply with the provisions of sections 184.350
71 to [184.384] **184.382**.

72 4. All costs of the election shall be paid as provided
73 by sections 115.063 and 115.065.

184.351. 1. The board of directors of any
2 metropolitan zoological park and museum district, as
3 established pursuant to the provisions of sections 184.350
4 to [184.384] **184.382**, on behalf of the district may request
5 the election officials of any city and county containing all
6 or part of such district to submit a proposition to increase
7 the maximum tax rate for the St. Louis Science Center
8 subdistrict set in section 184.350, to the qualified voters
9 of such district at any general or primary or special
10 election. Such election officials shall give legal notice
11 as provided in chapter 115.

12 2. Such proposition shall be submitted to the voters
13 in substantially the following form at such election:

14 Shall the Zoological Park and Museum District of the
15 City of _____ and County of _____ be authorized to
16 increase the St. Louis Science Center Subdistrict to
17 a tax rate not in excess of six cents on each \$100
18 of assessed valuation of taxable property within the
19 district for the purpose of operating, maintaining
20 and otherwise financially supporting the
21 subdistrict? The tax rate shall be set annually by
22 the board based on the budget submitted by the St.
23 Louis Science Center and approved by the board. This
24 rate shall replace the present tax rate of _____
25 cent for the St. Louis Science Center Subdistrict.

26 ☐ YES

☐ NO

27 3. In the event that a majority of the voters voting
28 on such proposition in such city and the majority of voters
29 voting on such proposition in such county at such election
30 cast votes "YES" for the proposition, then the tax rate for
31 such subdistrict shall be deemed in full force and effect as
32 of the first day of the second month following the
33 election. The results of the aforesaid election shall be
34 certified by the election officials of such city and county,
35 respectively, to the respective chief executive officers of
36 such city and county not less than thirty days after the day
37 on which such election was held. All costs of the election
38 shall be paid as provided by sections 115.063 and 115.065.
39 In the event the proposition shall fail to receive a
40 majority of the votes "YES" in either the city or the
41 county, then such proposition shall not be resubmitted at
42 any election held within one year of the date of the
43 election at which such proposition was rejected.

184.352. The following terms whenever used or referred
2 to in sections 184.350 to [184.384] **184.382** shall unless a

different intent clearly appears from the context be construed to have the following meaning:

(1) "African-American history museum and cultural subdistrict" shall consist of a political subdistrict which shall provide for the collection, preservation, and exhibition of items relating to the history and culture of African-Americans, more specifically for interpretation through core exhibits that may include wax sculptures, photographs, paintings, and other artistic expressions; and further for the collection of costumes, archaeological anthropological material, artifacts, and memorabilia; and for the maintenance of archives, including manuscripts, personal records, and other material that relates to the African-American experience to American history; and to provide for the preservation of American music traditions, including ragtime, jazz, blues, and gospel; and to provide technical assistance and advisory service for historic research or which may contract with another person with the capability of providing such services;

(2) "Art museum subdistrict" shall consist of such institutions and places for the purpose of collection and exhibition of pictures, statuary and other works of art and whatever else may be of artistic interest and appropriate for exhibition in an art gallery or museum for instruction in art and in general for the promotion by all proper means of aesthetic or artistic education;

(3) "Board", the governing body of the metropolitan zoological park and museum district;

(4) "Botanical garden subdistrict" shall consist of a political subdistrict which shall provide for the collection and exhibition of displays of things relating to plants or botany, for the promotion of plant life and related

35 subjects, educational and research activities, for the
36 maintenance of a botanical library, and for the promotion by
37 all proper means of public interest in plant life and
38 botany; or which may contract with another person with the
39 capability of providing such services;

40 (5) "City", a constitutional charter city not located
41 within a county;

42 (6) "Commission", the governing body of each of the
43 respective subdistricts as may be authorized as provided in
44 section 184.350, 184.351, or 184.353;

45 (7) "County", a constitutional charter county
46 adjoining a constitutional charter city;

47 (8) "District", the metropolitan zoological park and
48 museum district;

49 (9) "Missouri history museum subdistrict" shall
50 consist of a political subdistrict which shall provide for
51 the collection, preservation, and exhibition of items
52 relating to the history of the entire state of Missouri and
53 of the Louisiana Purchase Territory, and more specifically
54 for the collection and display of photographs, paintings,
55 costumes, archaeological and anthropological material,
56 artifacts and memorabilia pertaining to the political,
57 commercial and cultural history of the region, including
58 extensive artifacts, memorabilia, historical documents
59 concerning the first solo transatlantic flight, for the
60 promotion of archaeological and historical studies, for the
61 maintenance of a history library and archives, including
62 manuscripts documenting the first United States-sponsored
63 exploratory expedition of the Louisiana Purchase Territory
64 as well as papers of the president who authorized the
65 Louisiana Purchase, and for the promotion by all proper
66 means of public interest in the history of Missouri and the

67 region in which it is located, and, as otherwise provided by
68 law and in cooperation with the department of natural
69 resources of the state of Missouri, to provide technical
70 assistance and advisory services for the collection,
71 preservation, and exhibition of recordings, instruments, and
72 memorabilia of ragtime, jazz and blues music including
73 ragtime pianos and ragtime piano sheet music to be housed
74 and maintained at the Scott Joplin house state historic
75 site; or which may contract with another person having all
76 of the historical materials listed herein as well as the
77 capability of providing all of the services listed herein;

78 (10) "Recreation and amateur sports subdistrict" shall
79 consist of a political subdistrict which shall provide for
80 and assist in the planning, development, financing,
81 maintenance, improvement and construction of facilities and
82 venues to be publicly owned and operated by political
83 subdivisions, public school districts, universities and
84 colleges, or not-for-profit corporations chartered to
85 attract, promote and manage major national and international
86 amateur sports events, competitions and programs for the use
87 of the general public. Such subdistrict shall structure its
88 procedures for procuring supplies, services and construction
89 to achieve the result that a minimum of twenty percent in
90 the aggregate of the total dollar value of annual
91 procurements is made directly or indirectly from certified
92 socially and economically disadvantaged small business
93 concerns;

94 (11) "St. Louis Science Center subdistrict" shall
95 consist of such institutions and places for the purpose of
96 collection and exhibition of displays of items of natural
97 historical, industrial, transport and scientific interest,
98 the instruction and recreation of the people, for the

99 promotion of the study of science, industrial, transport and
100 natural history and kindred subjects and for the promotion
101 by all proper means of public interest in natural history,
102 transport, industry and science;

103 (12) "Special election", an election held on the first
104 Tuesday of April or whenever propositions are submitted to
105 the voters of the whole district;

106 (13) "Symphony orchestra subdistrict" shall consist of
107 a political subdistrict which shall provide for regular
108 performances of a symphony orchestra with not less than
109 ninety full-time symphonic musicians, own its own concert
110 hall in which a substantial number of its concerts shall be
111 held, and provide for the promotion by all proper means of
112 public interest in music; or which may contract with another
113 person with the capability of providing such services and
114 which owns its own concert hall;

115 (14) "Transport museum subdistrict" shall consist of a
116 political subdistrict which shall provide for institutions
117 and places for the edification of the public in the history
118 and science of transportation, communications and powering,
119 and more specifically for the preservation and display of
120 artifacts related to man's efforts to transport materials,
121 people, and ideas and to create, transmit, and utilize
122 power, and for the provision of a library of publications
123 and other records containing history and technology related
124 to transportation, communications and powering, and
125 facilities for the study of such efforts; or which may
126 contract with another person with the capability of
127 providing such services;

128 (15) "Zoological subdistrict" shall consist of such
129 institutions and places for the collection and exhibition of
130 animals and animal life, for the instruction and recreation

131 of the people, for the promotion of zoology and kindred
132 subjects, for the encouragement of zoological study and
133 research and for the increase of public interest in wild
134 animals and in the protection of wild animal life.

184.353. 1. (1) The board of directors of any
2 metropolitan zoological park and museum district, as
3 established according to the provisions of sections 184.350
4 to [184.384] **184.382**, on behalf of the district may request
5 the election officials of any city and county containing all
6 or part of such district to submit the following described
7 proposition to the qualified voters of such district at any
8 general, primary or special election. Such election
9 officials shall give legal notice at least sixty days prior
10 to such general, primary or special election in at least two
11 newspapers that such proposition shall be submitted at any
12 general, primary or special election held for submission of
13 the proposition.

14 (2) Such proposition shall be submitted to the voters
15 in substantially the following form at such election:

16 Shall the Metropolitan Zoological Park and
17 Museum District of the City of _____ and
18 County of _____ be authorized to provide for
19 a Botanical Garden Subdistrict and be
20 authorized to provide the Botanical Garden
21 Subdistrict with a tax rate not in excess of
22 four cents on each \$100 of assessed valuation
23 of taxable property within the district?

24 ☐ YES ☐ NO

25 (3) In the event that a majority of all the voters
26 voting on such proposition in such city and a majority of
27 voters voting on such proposition in such county cast "YES"

28 votes on the proposition, then the botanical garden
29 subdistrict shall be deemed established and the tax rate, as
30 established by the board for such subdistrict, shall be
31 deemed in full force and effect as of the first day of the
32 second month following the election. The results of the
33 election shall be certified by the election officials of
34 such city and county, respectively, to the respective chief
35 executive officers of such city and county not less than
36 thirty days after the day of the election. The cost of the
37 election shall be paid as provided by sections 115.063 and
38 115.065. In the event the proposition shall fail to receive
39 a majority of the "YES" votes in either the city or the
40 county, then the proposition shall not be resubmitted at any
41 election held prior to the next general or primary election
42 in such city or county in the following year. Any such
43 resubmission shall subsequently comply with the provisions
44 of sections 184.350 to [184.384] **184.382**.

45 (4) If the botanical garden subdistrict shall be
46 established, then its commissioners, or any person with whom
47 its commissioners contract, may establish and charge fees
48 for admission to the premises of the botanical garden
49 subdistrict, or to the premises of any person with whom its
50 commissioners contract, not to exceed one dollar for adults
51 and fifty cents for children under sixteen years of age.
52 Any increase in the fees shall be presented prior to
53 implementation for approval or disapproval to the board of
54 the metropolitan zoological park and museum district of
55 which the botanical garden subdistrict is a member.

56 2. (1) The board of directors of any metropolitan
57 zoological park and museum district, as established
58 according to the provisions of sections 184.350 to [184.384]
59 **184.382**, on behalf of the district may request the election

officials of any city and county containing all or part of such district to submit the following described proposition to the qualified voters of such district at any general, primary or special election. Such election officials shall give legal notice at least sixty days prior to such general, primary or special election in at least two newspapers that such proposition shall be submitted at any general, primary or special election held for submission of the proposition.

(2) Such proposition shall be submitted to the voters in substantially the following form at such election:

Shall the Metropolitan Zoological Park and Museum District of the City of _____ and County of _____ be authorized to provide for a Transport Museum Subdistrict and be authorized to provide the Transport Museum Subdistrict with a tax rate not in excess of four cents on each \$100 of assessed valuation of taxable property within the district?

☐ YES

☐ NO

(3) In the event that a majority of all the voters voting on such proposition in such city and a majority of voters voting on such proposition in such county cast "YES" votes on the proposition, then the transport museum subdistrict shall be deemed established and the tax rate, as established by the board for such subdistrict, shall be deemed in full force and effect as of the first day of the second month following the election. The results of the election shall be certified by the election officials of such city and county, respectively, to the respective chief executive officers of such city and county not less than thirty days after the day of the election. The cost of the

election shall be paid as provided by sections 115.063 and 115.065. In the event the proposition shall fail to receive a majority of the "YES" votes in either the city or the county, then the proposition shall not be resubmitted at any election held prior to the next general or primary election in such city or county in the following year. Any such resubmission shall subsequently comply with the provisions of sections 184.350 to **[184.384] 184.382.**

(4) If the transport museum subdistrict shall be established, then its commissioners, or any person with whom its commissioners contract, may establish and charge fees for admission to the premises of the transport museum subdistrict, or to the premises of any person with whom its commissioners contract, not to exceed one dollar for adults and fifty cents for children under sixteen years of age. Any increase in the fees shall be presented prior to implementation for approval or disapproval to the board of the metropolitan zoological park and museum district of which the transport museum subdistrict is a member.

3. (1) The board of directors of any metropolitan zoological park and museum district, as established according to the provisions of sections 184.350 to **[184.384] 184.382,** on behalf of the district may request the election officials of any city and county containing all or part of such district to submit the following described proposition to the qualified voters of such district at any general, primary or special election. Such election officials shall give legal notice at least sixty days prior to such general, primary or special election in at least two newspapers that such proposition shall be submitted at any general, primary or special election held for submission of the proposition.

153 4. (1) The board of directors of any metropolitan
154 zoological park and museum district, as established
155 according to the provisions of sections 184.350 to 184.354,
156 on behalf of the district may request the election officials
157 of any city and county containing all or part of such
158 district to submit the following described proposition to
159 the qualified voters of such district at any general,
160 primary or special election. Such election officials shall
161 give legal notice at least sixty days prior to such general,
162 primary or special election in at least two newspapers that
163 such proposition shall be submitted at any general, primary
164 or special election held for submission of the proposition.

165 (2) Such proposition shall be submitted to the voters
166 in substantially the following form at such election:

167 Shall the Metropolitan Zoological Park and
168 Museum District of the City of _____ and
169 County of _____ be authorized to provide for
170 a Symphony Orchestra Subdistrict and be
171 authorized to provide the Symphony Orchestra
172 Subdistrict with a tax rate not in excess of
173 four cents on each \$100 of assessed valuation
174 of taxable property within the district?

175 ☐ YES

☐ NO

176 (3) In the event that a majority of all the voters
177 voting on such proposition in such city and a majority of
178 voters voting on such proposition in such county cast "YES"
179 votes on the proposition, then the symphony orchestra
180 subdistrict shall be deemed established and the tax rate, as
181 established by the board for such subdistrict, shall be
182 deemed in full force and effect as of the first day of the
183 second month following the election. The results of the

election shall be certified by the election officials of such city and county not less than thirty days after the day of election. The cost of the election shall be paid as provided by sections 115.063 and 115.065. In the event the proposition shall fail to receive a majority of the "YES" votes in either the city or the county, then the proposition shall not be resubmitted at any election held prior to the next general or primary in such city or county in the following year. Any such resubmission shall subsequently comply with the provisions of sections 184.350 to [184.384] **184.382.**

(4) If the symphony orchestra subdistrict shall be established, then its commissioners, or any person with whom its commissioners contract, may charge such prices from time to time for tickets for performances conducted under the auspices of the subdistrict or as they or such person deem proper; provided, however, that no fewer than fifty tickets for each such performance conducted at the principal concert hall of such subdistrict or such person shall be made available without charge for distribution to members of the general public and no fewer than fifty tickets shall be made available without charge for distribution to students in public and private elementary, secondary schools and colleges and universities in the metropolitan zoological park and museum district and all performances of the symphony orchestra conducted at the principal concert hall of the symphony orchestra within the district shall be offered for broadcast live on a public or commercial AM or FM radio station located in and generally receivable in the district or on a public or commercial broadcast television station located in or generally receivable in the district. The symphony orchestra subdistrict shall institute a fully

216 staffed educational music appreciation program to benefit
217 all of the citizens of the taxing district at a nominal
218 charge.

219 (5) Immediately following the effective date of the
220 symphony orchestra subdistrict tax rate any person receiving
221 funds from said tax rate shall become ineligible for program
222 assistance funding from the Missouri state council on the
223 arts.

224 5. The board of directors of any metropolitan
225 zoological park and museum district, as established
226 according to the provisions of sections 184.350 to [184.384]
227 **184.382**, on behalf of the district may request the election
228 officials of any city and county containing all or part of
229 such district to submit the following described proposition
230 to the qualified voters of such district at any general,
231 primary or special election. Such election officials shall
232 give legal notice at least sixty days prior to such general,
233 primary or special election in at least two newspapers that
234 such proposition shall be submitted at any general, primary
235 or special election held for submission of the proposition.
236 Such proposition shall be submitted to the voters in
237 substantially the following form at such election:

238 Shall a Recreational and Amateur Sports
239 Subdistrict be authorized and provided for by
240 the Metropolitan Zoological Park and Museum
241 District of the City of _____ and the County
242 of _____ and such subdistrict be authorized
243 to establish a tax rate not in excess of four
244 cents on each \$100 of assessed valuation of
245 taxable property within the district for a
246 period not to exceed nine years?

247 ☐ YES

☐ NO

248 In the event that a majority of all the voters voting on
249 such proposition in such city and a majority of voters
250 voting on such proposition in such county cast "YES" votes
251 on the proposition, then the recreation and amateur sports
252 subdistrict shall be deemed established and the tax rate, as
253 established by the board for such subdistrict, shall be
254 deemed in full force and effect as of the first day of the
255 second month following the election for a period not to
256 exceed nine years. The results of the election shall be
257 certified by the election officials of such city and county,
258 respectively, to the respective chief executive officers of
259 such city and county not less than thirty days after the day
260 of the election. The cost of the election shall be paid as
261 provided by sections 115.063 and 115.065. In the event the
262 proposition shall fail to receive a majority of the "YES"
263 votes in either the city or the county, then the proposition
264 shall not be resubmitted at any election held prior to the
265 next general or primary or special election in such city or
266 county in the following year. Any such resubmission shall
267 subsequently comply with the provisions of sections 184.350
268 to [184.384] **184.382**.

269 6. (1) The board of directors of any metropolitan
270 zoological park and museum district, as established
271 according to the provisions of sections 184.350 to [184.384]
272 **184.382**, on behalf of the district may request the election
273 officials of any city and county containing all or part of
274 such district to submit the following described proposition
275 to the qualified voters of such district at any general,
276 primary or special election. Such election officials shall
277 give legal notice at least sixty days prior to such general,
278 primary or special election in at least two newspapers that

279 such proposition shall be submitted at any general, primary
280 or special election held for submission of the proposition.

281 (2) Such proposition shall be submitted to the voters
282 in substantially the following form at such election:

283 Shall the Metropolitan Zoological Park and Museum
284 District of the City of _____ and County of _____
285 be authorized to provide for an African-American
286 History Museum and Cultural Subdistrict and be
287 authorized to provide the African-American history
288 museum and cultural subdistrict with a tax rate not
289 in excess of four cents on each \$100 of assessed
290 valuation of taxable property within the district?

291 ☐ YES

☐ NO

292 (3) In the event that a majority of all the voters
293 voting on such proposition in such city and a majority of
294 voters voting on such proposition in such county cast "YES"
295 votes on the proposition, then the African-American history
296 museum and cultural subdistrict shall be deemed established
297 and the tax rate, as established by the board for such
298 subdistrict, shall be deemed in full force and effect as of
299 the first day of the second month following the election.
300 The results of the election shall be certified by the
301 election officials of such city and county, respectively, to
302 the respective chief executive officers of such city and
303 county not less than thirty days after the day of the
304 election. The cost of the election shall be paid as
305 provided by sections 115.063 and 115.065. In the event the
306 proposition shall fail to receive a majority of the "YES"
307 votes in either the city or the county, then the proposition
308 shall not be resubmitted at any election held prior to the
309 next general or primary election in such city or county in

the following year. Any such resubmission shall subsequently comply with the provisions of sections 184.350 to **[184.384] 184.382.**

(4) If the African-American history museum and cultural subdistrict shall be established, then its commissioners, or any person with whom its commissioners contract, may establish and charge fees for admission to the premises of the African-American history museum and cultural subdistrict, or to the premises of any person with whom its commissioners contract, not to exceed one dollar for adults and fifty cents for children under sixteen years of age. Any increase in the fees shall be presented prior to implementation for approval or disapproval to the board of the metropolitan zoological park and museum district of which the African-American history museum and cultural subdistrict is a member.

184.355. 1. Any special purpose subdistrict formed under the provisions of sections 184.350 to **[184.384] 184.382** after July 1, 1981, may be dissolved in the following manner: Upon the filing with the governing body of the subdistrict of a petition containing the signatures of qualified voters representing eight percent of the votes cast at the last preceding election for governor of any constitutional charter city not located within a county and qualified voters representing eight percent of the votes cast at the last preceding election for governor of a constitutional charter county adjoining such city, the governing body shall submit the proposition to the voters in the subdistrict using the same procedure and in the same manner so far as practicable as is provided for the submission of the question for forming the subdistrict.

16 Separate petitions shall be filed for each subdistrict
17 sought to be dissolved.

18 2. Such proposition or propositions shall be submitted
19 to the voters in substantially the following form at such
20 election:

21 Shall the _____ Subdistrict of the Metropolitan
22 Zoological Park and Museum District comprising the
23 City of _____ and the County of _____ be dissolved?

24 ☐ YES ☐ NO

25 3. In the event that a majority of the voters voting
26 on such proposition or propositions in such city and the
27 majority of voters voting on such proposition or
28 propositions in such county at such election cast "YES"
29 votes on any such proposition or propositions, then the
30 subdistrict shall be deemed dissolved. The results of the
31 aforesaid election shall be certified by the election
32 officials of such city and county, respectively, to the
33 respective chief executive officers of such city and county
34 not less than thirty days after the day on which such
35 election was held. The cost of such election shall be borne
36 by the city and county, respectively, as provided by law.

37 4. Dissolution of a subdistrict shall be carried out
38 in the manner prescribed by section 67.955.

184.357. 1. The board of directors of any
2 metropolitan zoological park and museum district as
3 established pursuant to the provisions of sections 184.350
4 to [184.384] **184.382**, on behalf of the district, may request
5 the election officials of any city and county of such
6 district to submit a proposition or propositions to increase
7 the tax rate for the zoological park subdistrict and the art

8 museum subdistrict set in section 184.350 and to increase
9 the rate for the botanical garden subdistrict set in section
10 184.353 to the qualified voters of such district at any
11 general, primary or special election. Such election
12 officials, upon receipt of such request in the form of a
13 verified resolution or resolutions approved by the majority
14 of the members of such district board of directors, shall
15 set the date of such election and give notice of such
16 election as provided by sections 115.063 and 115.065.

17 2. Such proposition or propositions shall be jointly
18 or severally submitted to the voters in substantially the
19 following form at such election:

20 (1) Shall the Metropolitan Zoological Park and Museum
21 District of the City of _____ and County of _____ be
22 authorized to increase the tax rate for the zoological
23 park subdistrict up to the maximum tax rate of eight
24 cents, or any percent thereof, on each \$100 of assessed
25 valuation of taxable property within the district for the
26 purpose of operating, maintaining and otherwise
27 financially supporting the subdistrict? The tax rate
28 shall be set annually by the board based on the budget
29 submitted by the zoological park subdistrict and approved
30 by the board. This tax rate shall replace the present tax
31 rate of _____ cents for the zoological park subdistrict.

32 ☐ YES

☐ NO

33 (2) Shall the Metropolitan Zoological Park and Museum
34 District of the City of _____ and County of _____ be
35 authorized to increase the tax rate for the art museum
36 subdistrict up to the maximum tax rate of eight cents, or
37 any percent thereof, on each \$100 of assessed valuation
38 of taxable property within the district for the purpose
39 of operating, maintaining and otherwise financially
40 supporting the subdistrict and approved by the board? The
41 tax rate shall be set annually by the board based on the
42 budget submitted by the art museum subdistrict and

approved by the board. This tax rate shall replace the present tax rate of _____ cents for the art museum subdistrict.

☐ YES

☐ NO

(3) Shall the Metropolitan Zoological Park and Museum District of the City of _____ and County of _____ be authorized to increase the tax rate for the botanical garden subdistrict up to the maximum tax rate of six cents, or any percent thereof, on each \$100 of assessed valuation of taxable property within the district for the purpose of operating, maintaining and otherwise financially supporting the subdistrict and approved by the board? The tax rate shall be set annually by the board based on the budget submitted by the botanical garden subdistrict and approved by the board. This tax rate shall replace the present tax rate of _____ cents for the botanical garden subdistrict.

☐ YES

☐ NO

(4) Shall the Metropolitan Zoological Park and Museum District of the City of _____ and County of _____ be authorized to increase the tax rate for the Missouri history museum subdistrict up to the maximum tax rate of six cents, or any percent thereof, on each \$100 of assessed valuation of taxable property within the district for the purpose of operating, maintaining, and otherwise financially supporting the subdistrict and approved by the board? The tax rate shall be set annually by the board based on the budget submitted by the Missouri history museum subdistrict and approved by the board. This tax rate shall replace the present tax rate of _____ cents for the Missouri history museum subdistrict.

☐ YES

☐ NO

76 In the event that a majority of the voters voting on such
77 proposition or propositions in such city and the majority of
78 the voters voting on such proposition or propositions in
79 such county cast votes "YES" on the proposition or
80 propositions, then the tax rate for such subdistrict shall
81 be deemed in full force and effect as of the first day of
82 the second month following the election. The results of the
83 aforesaid election shall be certified by the election
84 officials of such city and county, respectively, to the
85 respective chief executive officers of such city and county
86 not less than thirty days after the day on which such
87 election was held. The cost of the election shall be paid
88 as provided by sections 115.063 and 115.065. In the event
89 the proposition or propositions shall fail to receive a
90 majority of the votes "YES" in either the city or the
91 county, then the proposition or propositions shall not be
92 resubmitted at any election held within one year of the date
93 of the election the proposition or propositions were
94 rejected.

184.359. 1. Notwithstanding any of the provisions of
2 chapter 137, the board of directors of any metropolitan
3 zoological park and museum district, as established
4 according to the provisions of sections 184.350 to [184.384]
5 **184.382**, on behalf of such district, may request the
6 election officials of any city and county containing all or
7 part of such district to submit to the qualified voters of
8 such district at any municipal, special, primary or general
9 election or elections a referendum or referendums to permit
10 or restore, in part, or, in whole, the tax rate or rates
11 authorized for any subdistrict of such district from time to

time under the provisions of sections 184.350 to [184.384]
184.382.

2. Such proposal or proposals shall be submitted to
the voters in substantially the following form at such
election or elections:

Shall the Metropolitan Zoological Park and Museum
District of the City of _____ and the County of
_____ be authorized to increase the tax rate for the
_____ Subdistrict to _____ cents on each \$100 of
assessed valuation of taxable property within the
District? This tax rate shall replace the present tax
rate of _____ for the _____ Subdistrict.

☐ YES

☐ NO

3. The proposed tax rate shall not exceed the maximum
tax rate authorized by the voters from time to time pursuant
to sections 184.350 to [184.384] **184.382**, prior to reduction
or reductions in such rate following any reassessment
pursuant to chapter 137.

4. In the event that a majority of the voters voting
thereon in such city and a majority of the voters voting
thereon in such county cast votes in favor of the proposal
or proposals, then the tax rate or rates for such
subdistrict or subdistricts shall be deemed in full force
and effect as of the first day of the second month following
the election. The results of the election shall be
certified by the election officials of such city and county,
respectively, to such district not less than thirty days
after the day of the election. The cost of the election
shall be paid as provided by sections 115.063 and 115.065.
In the event any proposal shall fail to receive a majority
of the "YES" votes in either the city or the county, then

43 such proposal shall not be resubmitted at any election held
44 within one year of the date of the election on which such
45 proposal was rejected.

46 5. Such proposal or proposals to the qualified voters
47 of the district may be submitted by a verified resolution of
48 the district board of directors to the respective election
49 officials of the city and county wherein the district is
50 located.

184.362. The use and enjoyment of such institutions
2 and places, museums and parks of any and all of the
3 subdistricts established under sections 184.350 to [184.384]
4 **184.382** shall be forever free and open to the public at such
5 times as may be provided by the reasonable rules and
6 regulations adopted by the respective commissions in order
7 to render the use of the said subdistrict's facilities of
8 the greatest benefit and efficiently to the greatest
9 number. The respective commissions may exclude from the use
10 of the said facilities any and all persons who willfully
11 violate such rules. In addition said commission shall make
12 and adopt such bylaws, rules and regulations for its own
13 guidance and for the election of its members and for the
14 administration of the subdistrict as it may deem expedient
15 and as may not be inconsistent with the provisions of the
16 law. The respective commissions may contract for, or exact,
17 a charge from any person in connection with the use,
18 enjoyment, purchase, license or lease of any property,
19 facility, activity, exhibit, function, or personnel of the
20 respective subdistricts. Said commission shall have
21 exclusive control of the expenditures of all moneys
22 collected by the district to the credit of the subdistrict's
23 fund. The commission of any subdistrict established by the
24 voters under the authority of section 184.350 shall have

25 exclusive control of the construction and maintenance of any
26 subdistrict buildings built or maintained in whole or in
27 part with moneys of said fund and of the supervision, care
28 and custody of the grounds, rooms or buildings constructed,
29 leased or set apart for the purposes of the subdistrict
30 under the authority conferred in this law. The commission
31 of any subdistrict established by the voters under the
32 authority of section 184.350 shall have the power to appoint
33 a director and necessary assistants, to fix their
34 compensation and shall also have power to remove such
35 appointees. All employees, appointees and officers of
36 publicly owned and operated museums and zoological parks
37 shall on the establishment of a subdistrict related thereto
38 become employees of the subdistrict and such appointees' and
39 employees' seniority, pension, salaries, wages and fringe
40 benefits shall be equal to or better than that existing at
41 the time of the establishment of the subdistrict insofar as
42 may be possible. The respective commissions shall whenever
43 the need arises transmit to the district a complete survey
44 and report of the subdistrict's need for construction,
45 reconstruction and repair of improvements, buildings and
46 other facilities and shall include all information and data
47 necessary for the purpose of ascertaining the cost of such
48 improvements and shall further certify to the district the
49 need for incurring additional indebtedness as provided in
50 sections 184.364 to 184.376 herein.

191.211. State expenditures for new programs and
2 initiatives enacted by sections [103.178,] 143.999, 188.230,
3 191.231, 191.825 to 191.839, 208.177, 208.178, 208.179 and
4 208.181, 211.490, 285.240, 337.093, 374.126, 376.891 to
5 376.894, 431.064, 660.016, 660.017 and 660.018, and the
6 state expenditures for the new initiatives and expansion of

7 programs enacted by revising sections 105.711 and 105.721,
8 191.520, 191.600, 198.090, 208.151, 208.152 and 208.215, as
9 provided by H.B. 564, 1993, shall be funded exclusively by
10 federal funds and the funding sources established in
11 sections 149.011, 149.015, 149.035, 149.061, 149.065,
12 149.160, 149.170, 149.180, 149.190 and 149.192, and no
13 future general revenue shall be appropriated to fund such
14 new programs or expansions.

191.828. 1. The following departments shall conduct
2 on-going evaluations of the effect of the initiatives
3 enacted by the following sections:

4 (1) The department of commerce and insurance shall
5 evaluate the effect of revising section 376.782 and sections
6 143.999, 208.178, 374.126, and 376.891 to 376.894;

7 (2) The department of health and senior services shall
8 evaluate the effect of revising sections 105.711 and 191.600
9 and enacting section 191.411, and sections 167.600 to
10 167.621, 191.231, 208.177, 431.064, and 660.016. In
11 collaboration with the state board of registration for the
12 healing arts, the state board of nursing, and the state
13 board of pharmacy, the department of health and senior
14 services shall also evaluate the effect of revising section
15 195.070, section 334.100, and section 335.016, and of
16 sections 334.104 and 334.112, and section 338.095 and
17 338.198;

18 (3) The department of social services shall evaluate
19 the effect of revising section 198.090, and sections
20 208.151, 208.152 and 208.215, and section 383.125, and of
21 sections 167.600 to 167.621, 208.177, 208.178, 208.179,
22 208.181, and 211.490;

23 (4) The office of administration shall evaluate the
24 effect of revising sections 105.711 and 105.721;

25 (5) [The Missouri consolidated health care plan shall
26 evaluate the effect of section 103.178; and

27 (6)] The department of mental health shall evaluate
28 the effect of section 191.831 as it relates to substance
29 abuse treatment and of section 191.835.

30 2. The department of revenue and office of
31 administration shall make biannual reports to the general
32 assembly and the governor concerning the income received
33 into the health initiatives fund and the level of funding
34 required to operate the programs and initiatives funded by
35 the health initiatives fund at an optimal level.

 191.831. 1. There is hereby established in the state
2 treasury a "Health Initiatives Fund", to which shall be
3 deposited all revenues designated for the fund under
4 subsection 8 of section 149.015, and subsection 3 of section
5 149.160, and section 167.609, and all other funds donated to
6 the fund or otherwise deposited pursuant to law. The state
7 treasurer shall administer the fund. Money in the fund
8 shall be appropriated to provide funding for implementing
9 the new programs and initiatives established by sections
10 105.711 and 105.721. The moneys in the fund may further be
11 used to fund those programs established by sections 191.411
12 and 191.600, sections 208.151 and 208.152, and sections
13 [103.178,] 143.999, 167.600 to 167.621, 188.230, 191.211,
14 191.231, 191.825 to 191.839, 192.013, 208.177, 208.178,
15 208.179 and 208.181, 211.490, 285.240, 337.093, 374.126,
16 376.891 to 376.894, 431.064, 660.016, 660.017 and 660.018;
17 in addition, not less than fifteen percent of the proceeds
18 deposited to the health initiative fund pursuant to sections
19 149.015 and 149.160 shall be appropriated annually to
20 provide funding for the C-STAR substance abuse
21 rehabilitation program of the department of mental health,

22 or its successor program, and a C-STAR pilot project
23 developed by the director of the division of alcohol and
24 drug abuse and the director of the department of corrections
25 as an alternative to incarceration, as provided in
26 subsections 2, 3, and 4 of this section. Such pilot project
27 shall be known as the "Alt-care" program. In addition, some
28 of the proceeds deposited to the health initiatives fund
29 pursuant to sections 149.015 and 149.160 shall be
30 appropriated annually to the division of alcohol and drug
31 abuse of the department of mental health to be used for the
32 administration and oversight of the substance abuse traffic
33 offender program defined in section 302.010. The provisions
34 of section 33.080 to the contrary notwithstanding, money in
35 the health initiatives fund shall not be transferred at the
36 close of the biennium to the general revenue fund.

37 2. The director of the division of alcohol and drug
38 abuse and the director of the department of corrections
39 shall develop and administer a pilot project to provide a
40 comprehensive substance abuse treatment and rehabilitation
41 program as an alternative to incarceration, hereinafter
42 referred to as "Alt-care". Alt-care shall be funded using
43 money provided under subsection 1 of this section through
44 the Missouri Medicaid program, the C-STAR program of the
45 department of mental health, and the division of alcohol and
46 drug abuse's purchase-of-service system. Alt-care shall
47 offer a flexible combination of clinical services and living
48 arrangements individually adapted to each client and her
49 children. Alt-care shall consist of the following
50 components:

- 51 (1) Assessment and treatment planning;
- 52 (2) Community support to provide continuity,
- 53 monitoring of progress and access to services and resources;

54 (3) Counseling from individual to family therapy;
55 (4) Day treatment services which include accessibility
56 seven days per week, transportation to and from the Alt-care
57 program, weekly drug testing, leisure activities, weekly
58 events for families and companions, job and education
59 preparedness training, peer support and self-help and daily
60 living skills; and

61 (5) Living arrangement options which are permanent,
62 substance-free and conducive to treatment and recovery.

63 3. Any female who is pregnant or is the custodial
64 parent of a child or children under the age of twelve years,
65 and who has pleaded guilty to or found guilty of violating
66 the provisions of chapter 195, and whose controlled
67 substance abuse was a precipitating or contributing factor
68 in the commission of the offense, and who is placed on
69 probation may be required, as a condition of probation, to
70 participate in Alt-care, if space is available in the pilot
71 project area. Determinations of eligibility for the
72 program, placement, and continued participation shall be
73 made by the division of alcohol and drug abuse, in
74 consultation with the department of corrections.

75 4. The availability of space in Alt-care shall be
76 determined by the director of the division of alcohol and
77 drug abuse in conjunction with the director of the
78 department of corrections. If the sentencing court is
79 advised that there is no space available, the court shall
80 consider other authorized dispositions.

208.244. 1. [Beginning January 1, 2016, the waiver of
2 the work requirement for the supplemental nutrition
3 assistance program under 7 U.S.C. Section 2015(o) shall no
4 longer apply to individuals seeking benefits in this state.]

5 The provisions of this subsection shall terminate on January
6 1, 2019.

7 **2.]** Any ongoing savings resulting from a reduction in
8 state expenditures due to modification of the supplemental
9 nutrition assistance program under this section or the
10 temporary assistance for needy families program under
11 sections 208.026 and 208.040 effective on August 28, 2015,
12 subject to appropriations, shall be used to provide child
13 care assistance for single parent households, education
14 assistance, transportation assistance, and job training for
15 individuals receiving benefits under such programs as
16 allowable under applicable state and federal law.

17 **[3.] 2.** The department shall make an annual report to
18 the joint committee on government accountability on the
19 progress of implementation of sections 208.026 and 208.040,
20 including information on enrollment, demographics, work
21 participation, and changes to specific policies. The joint
22 committee shall meet at least once a year to review the
23 department's report and shall make recommendations to the
24 president pro tempore of the senate and the speaker of the
25 house of representatives.

208.471. 1. The department of social services shall
2 make payments to those hospitals which have a Medicaid
3 provider agreement with the department.

4 2. In each state fiscal year, the amount of federal
5 reimbursement allowance levied under sections 208.450 to
6 **[208.482] 208.480** shall not exceed forty-five percent of the
7 total payments to hospitals from the federal reimbursement
8 allowance fund and associated federal match, including
9 payments made to hospitals from state-contracted managed
10 care organizations that are attributed to the federal
11 reimbursement allowance fund and associated federal match.

By October first of each subsequent state fiscal year, the department shall report this calculation and the underlying data supporting the calculation to the budget committee of the house of representatives and the appropriations committee of the senate. The underlying data shall include the amount of federal reimbursement allowance assessment levied on the hospitals and the total amount of Medicaid payments to hospitals funded by the federal reimbursement allowance, including payments made to hospitals from all state-contracted managed care organizations in aggregate. Payments made by the department to hospitals and payments made, in aggregate, by all state-contracted managed care organizations to hospitals shall be reported separately. Expenditures reported by the department and all state-contracted managed care organizations in aggregate shall be broken down by fund source, inpatient or outpatient category of service, and individual hospital. In addition, the department shall separately and concurrently disclose the amount of hospital payments made by the department and the amount of hospital payments made by each of the managed care plans, with the payment data broken down by plan, fund source, inpatient or outpatient category of service, and individual hospital, to the hospitals receiving such payments specific to that hospital or to an organization designated by such hospitals to receive such data and as otherwise authorized or required by law. Such payment data shall otherwise be regarded as proprietary and confidential under subdivision (15) of section 610.021.

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

(1) "Extraordinary circumstance", a substantial flight risk or some other extraordinary medical or security

5 circumstance that dictates restraints be used to ensure the
6 safety and security of a pregnant offender in her third
7 trimester, a postpartum offender forty-eight hours
8 postdelivery, the staff of the correctional center or
9 medical facility, other offenders, or the public;

10 (2) "Labor", the period of time before a birth during
11 which contractions are present;

12 (3) "Postpartum", the period of recovery immediately
13 following childbirth, which is six weeks for a vaginal birth
14 or eight weeks for a cesarean birth, or longer if so
15 determined by a physician or nurse;

16 (4) "Restraints", any physical restraint or other
17 device used to control the movement of a person's body or
18 limbs.

19 2. Unless extraordinary circumstances exist as
20 determined by a corrections officer, a correctional center
21 shall not use restraints on a pregnant offender in her third
22 trimester during transportation to and from visits to health
23 care providers or court proceedings, or during medical
24 appointments and examinations, labor, delivery, or forty-
25 eight hours postdelivery.

26 3. In the event a corrections officer determines that
27 extraordinary circumstances exist and restraints are
28 necessary, the corrections officer shall fully document in
29 writing within forty-eight hours of the incident the reasons
30 he or she determined such extraordinary circumstances
31 existed, the type of restraints used, and the reasons those
32 restraints were considered the least restrictive available
33 and the most reasonable under the circumstances. Such
34 documents shall be kept on file by the correctional center
35 for at least ten years from the date the restraints were
36 used.

37 4. Any time restraints are used on a pregnant offender
38 in her third trimester or on a postpartum offender forty-
39 eight hours postdelivery, the restraints shall be the least
40 restrictive available and the most reasonable under the
41 circumstances. In no case shall leg, ankle, or waist
42 restraints or any mechanical restraints be used on any such
43 offender, and if wrist restraints are used, such restraints
44 shall be placed in the front of such offender's body to
45 protect the offender and unborn child in the case of a
46 forward fall.

47 5. If a doctor, nurse, or other health care provider
48 treating the pregnant offender in her third trimester or the
49 postpartum offender forty-eight hours postdelivery requests
50 that restraints not be used, the corrections officer
51 accompanying such offender shall immediately remove all
52 restraints.

53 6. Pregnant offenders shall be transported in vehicles
54 equipped with seatbelts.

55 7. The [sentencing and corrections oversight
56 commission established under section 217.147 and the]
57 advisory committee established under section 217.015 shall
58 conduct biannual reviews of every report written on the use
59 of restraints on a pregnant offender in her third trimester
60 or on a postpartum offender forty-eight hours postdelivery
61 in accordance with subsection 3 of this section to determine
62 compliance with this section. The written reports shall be
63 kept on file by the department for ten years.

64 8. The chief administrative officer, or equivalent
65 position, of each correctional center shall:

66 (1) Ensure that employees of the correctional center
67 are provided with training, which may include online

68 training, on the provisions of this section and section
69 217.147; and

70 (2) Inform female offenders, in writing and orally, of
71 any policies and practices developed in accordance with this
72 section upon admission to the correctional center, including
73 policies and practices in any offender handbook, and post
74 the policies and practices in locations in the correctional
75 center where such notices are commonly posted and will be
76 seen by female offenders, including common housing areas and
77 health care facilities.

78 9. The provisions of this section shall apply only to
79 the department of corrections.

301.140. 1. Upon the transfer of ownership of any
2 motor vehicle or trailer, the certificate of registration
3 and the right to use the number plates shall expire and the
4 number plates shall be removed by the owner at the time of
5 the transfer of possession, and it shall be unlawful for any
6 person other than the person to whom such number plates were
7 originally issued to have the same in his or her possession
8 whether in use or not, unless such possession is solely for
9 charitable purposes; except that the buyer of a motor
10 vehicle or trailer who trades in a motor vehicle or trailer
11 may attach the license plates from the traded-in motor
12 vehicle or trailer to the newly purchased motor vehicle or
13 trailer. The operation of a motor vehicle with such
14 transferred plates shall be lawful for no more than thirty
15 days[, or no more than ninety days if the dealer is selling
16 the motor vehicle under the provisions of section 301.213,]
17 or no more than sixty days if the dealer is selling the
18 motor vehicle under the provisions of subsection 5 of
19 section 301.210. As used in this subsection, the term
20 "trade-in motor vehicle or trailer" shall include any single

21 motor vehicle or trailer sold by the buyer of the newly
22 purchased vehicle or trailer, as long as the license plates
23 for the trade-in motor vehicle or trailer are still valid.

24 2. In the case of a transfer of ownership the original
25 owner may register another motor vehicle under the same
26 number, upon the payment of a fee of two dollars, if the
27 motor vehicle is of horsepower, gross weight or (in the case
28 of a passenger-carrying commercial motor vehicle) seating
29 capacity, not in excess of that originally registered. When
30 such motor vehicle is of greater horsepower, gross weight or
31 (in the case of a passenger-carrying commercial motor
32 vehicle) seating capacity, for which a greater fee is
33 prescribed, the applicant shall pay a transfer fee of two
34 dollars and a pro rata portion for the difference in fees.
35 When such vehicle is of less horsepower, gross weight or (in
36 case of a passenger-carrying commercial motor vehicle)
37 seating capacity, for which a lesser fee is prescribed, the
38 applicant shall not be entitled to a refund.

39 3. License plates may be transferred from a motor
40 vehicle which will no longer be operated to a newly
41 purchased motor vehicle by the owner of such vehicles. The
42 owner shall pay a transfer fee of two dollars if the newly
43 purchased vehicle is of horsepower, gross weight or (in the
44 case of a passenger-carrying commercial motor vehicle)
45 seating capacity, not in excess of that of the vehicle which
46 will no longer be operated. When the newly purchased motor
47 vehicle is of greater horsepower, gross weight or (in the
48 case of a passenger-carrying commercial motor vehicle)
49 seating capacity, for which a greater fee is prescribed, the
50 applicant shall pay a transfer fee of two dollars and a pro
51 rata portion of the difference in fees. When the newly
52 purchased vehicle is of less horsepower, gross weight or (in

53 the case of a passenger-carrying commercial motor vehicle)
54 seating capacity, for which a lesser fee is prescribed, the
55 applicant shall not be entitled to a refund.

56 4. (1) The director of the department of revenue
57 shall have authority to produce or allow others to produce a
58 weather resistant, nontearing temporary permit authorizing
59 the operation of a motor vehicle or trailer by a buyer for
60 not more than thirty days, or no more than sixty days if
61 issued by a dealer selling the motor vehicle under the
62 provisions of subsection 5 of section 301.210, from the date
63 of purchase. The temporary permit authorized under this
64 section may be purchased by the purchaser of a motor vehicle
65 or trailer from the central office of the department of
66 revenue or from an authorized agent of the department of
67 revenue upon satisfaction of all applicable taxes under
68 chapter 144, upon proof of purchase of a motor vehicle or
69 trailer for which the buyer has no registration plate
70 available for transfer and upon proof of financial
71 responsibility, or from a motor vehicle dealer upon purchase
72 of a motor vehicle or trailer for which the buyer has no
73 registration plate available for transfer, or from a motor
74 vehicle dealer upon purchase of a motor vehicle or trailer
75 for which the buyer has registered and is awaiting receipt
76 of registration plates. The director of the department of
77 revenue or a producer authorized by the director of the
78 department of revenue may make temporary permits available
79 to registered dealers in this state, authorized agents of
80 the department of revenue or the department of revenue. The
81 price paid by a motor vehicle dealer, an authorized agent of
82 the department of revenue or the department of revenue for a
83 temporary permit shall not exceed five dollars for each
84 permit. The director of the department of revenue shall

85 direct motor vehicle dealers and authorized agents to obtain
86 temporary permits from an authorized producer. Amounts
87 received by the director of the department of revenue for
88 temporary permits shall constitute state revenue; however,
89 amounts received by an authorized producer other than the
90 director of the department of revenue shall not constitute
91 state revenue and any amounts received by motor vehicle
92 dealers or authorized agents for temporary permits purchased
93 from a producer other than the director of the department of
94 revenue shall not constitute state revenue. In no event
95 shall revenues from the general revenue fund or any other
96 state fund be utilized to compensate motor vehicle dealers
97 or other producers for their role in producing temporary
98 permits as authorized under this section. Amounts that do
99 not constitute state revenue under this section shall also
100 not constitute fees for registration or certificates of
101 title to be collected by the director of the department of
102 revenue under section 301.190. No motor vehicle dealer,
103 authorized agent or the department of revenue shall charge
104 more than five dollars for each permit issued. The permit
105 shall be valid for a period of thirty days[, or no more than
106 ninety days if issued by a dealer selling the motor vehicle
107 under the provisions of section 301.213,] or no more than
108 sixty days if issued by a dealer selling the motor vehicle
109 under the provisions of subsection 5 of section 301.210,
110 from the date of purchase of a motor vehicle or trailer, or
111 from the date of sale of the motor vehicle or trailer by a
112 motor vehicle dealer for which the purchaser obtains a
113 permit as set out above. No permit shall be issued for a
114 vehicle under this section unless the buyer shows proof of
115 financial responsibility. Each temporary permit issued
116 shall be securely fastened to the back or rear of the motor

vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.

(2) The provisions of subdivision (1) of this subsection requiring satisfaction of all applicable taxes under chapter 144 shall become effective only upon notification by the director of the department of revenue that implementation of such requirements are technologically feasible following the development and maintenance of a modernized, integrated system for the titling of vehicles, the issuance and renewal of vehicle registrations, the issuance and renewal of drivers' licenses and identification cards, and the perfection and release of liens and encumbrances on vehicles.

5. The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer purchased to enable the applicant to temporarily operate the motor vehicle while proper title and registration plates are being obtained, or while awaiting receipt of registration plates, and shall be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable, shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer, and shall be returned to the department or to the department's agent upon the issuance of such proper registration plates. Any temporary permit returned to the department or to the department's agent shall be immediately destroyed. The provisions of this subsection shall not apply to temporary permits issued for

commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight. The director of the department of revenue shall determine the size, material, design, numbering configuration, construction, and color of the permit. The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.

6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by proper officers, an accurate record of each permit issued by recording the permit number, the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and manufacturer's vehicle identification number, and the permit's date of issuance and expiration date. Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.

7. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of motor vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are

surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 4 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

9. Notwithstanding the provisions of section 301.217, the director may issue a temporary permit to an individual who possesses a salvage motor vehicle which requires an inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for which the permit has been issued shall be limited to the most direct route from the residence, maintenance, or storage facility of the

individual in possession of such motor vehicle to the nearest authorized inspection facility and return to the originating location. Notwithstanding any other requirements for the issuance of a temporary permit under this section, an individual obtaining a temporary permit for the purpose of operating a motor vehicle to and from an examination facility as prescribed in this subsection shall also purchase the required motor vehicle examination form which is required to be completed for an examination under subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor vehicle safety inspection for such vehicle as required in section 307.350.

10. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

11. The repeal and reenactment of this section shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer

244 authorized by the director of the department of revenue
245 begins producing temporary permits prior to July 1, 2013,
246 the director of the department of revenue shall notify the
247 revisor of statutes of such fact.

301.190. 1. No certificate of registration of any
2 motor vehicle or trailer, or number plate therefor, shall be
3 issued by the director of revenue unless the applicant
4 therefor shall make application for and be granted a
5 certificate of ownership of such motor vehicle or trailer,
6 or shall present satisfactory evidence that such certificate
7 has been previously issued to the applicant for such motor
8 vehicle or trailer. Application shall be made within thirty
9 days after the applicant acquires the motor vehicle or
10 trailer, unless the motor vehicle was acquired under
11 [section 301.213 or] subsection 5 of section 301.210 in
12 which case the applicant shall make application within
13 thirty days after receiving title from the dealer, upon a
14 blank form furnished by the director of revenue and shall
15 contain the applicant's identification number, a full
16 description of the motor vehicle or trailer, the vehicle
17 identification number, and the mileage registered on the
18 odometer at the time of transfer of ownership, as required
19 by section 407.536, together with a statement of the
20 applicant's source of title and of any liens or encumbrances
21 on the motor vehicle or trailer, provided that for good
22 cause shown the director of revenue may extend the period of
23 time for making such application. When an owner wants to
24 add or delete a name or names on an application for
25 certificate of ownership of a motor vehicle or trailer that
26 would cause it to be inconsistent with the name or names
27 listed on the notice of lien, the owner shall provide the
28 director with documentation evidencing the lienholder's

29 authorization to add or delete a name or names on an
30 application for certificate of ownership.

31 2. The director of revenue shall use reasonable
32 diligence in ascertaining whether the facts stated in such
33 application are true and shall, to the extent possible
34 without substantially delaying processing of the
35 application, review any odometer information pertaining to
36 such motor vehicle that is accessible to the director of
37 revenue. If satisfied that the applicant is the lawful
38 owner of such motor vehicle or trailer, or otherwise
39 entitled to have the same registered in his name, the
40 director shall thereupon issue an appropriate certificate
41 over his signature and sealed with the seal of his office,
42 procured and used for such purpose. The certificate shall
43 contain on its face a complete description, vehicle
44 identification number, and other evidence of identification
45 of the motor vehicle or trailer, as the director of revenue
46 may deem necessary, together with the odometer information
47 required to be put on the face of the certificate pursuant
48 to section 407.536, a statement of any liens or encumbrances
49 which the application may show to be thereon, and, if
50 ownership of the vehicle has been transferred, the name of
51 the state issuing the transferor's title and whether the
52 transferor's odometer mileage statement executed pursuant to
53 section 407.536 indicated that the true mileage is
54 materially different from the number of miles shown on the
55 odometer, or is unknown.

56 3. The director of revenue shall appropriately
57 designate on the current and all subsequent issues of the
58 certificate the words "Reconstructed Motor Vehicle", "Motor
59 Change Vehicle", "Specially Constructed Motor Vehicle", or
60 "Non-USA-Std Motor Vehicle", as defined in section 301.010.

61 Effective July 1, 1990, on all original and all subsequent
62 issues of the certificate for motor vehicles as referenced
63 in subsections 2 and 3 of section 301.020, the director
64 shall print on the face thereof the following designation:
65 "Annual odometer updates may be available from the
66 department of revenue.". On any duplicate certificate, the
67 director of revenue shall reprint on the face thereof the
68 most recent of either:

69 (1) The mileage information included on the face of
70 the immediately prior certificate and the date of purchase
71 or issuance of the immediately prior certificate; or

72 (2) Any other mileage information provided to the
73 director of revenue, and the date the director obtained or
74 recorded that information.

75 4. The certificate of ownership issued by the director
76 of revenue shall be manufactured in a manner to prohibit as
77 nearly as possible the ability to alter, counterfeit,
78 duplicate, or forge such certificate without ready
79 detection. In order to carry out the requirements of this
80 subsection, the director of revenue may contract with a
81 nonprofit scientific or educational institution specializing
82 in the analysis of secure documents to determine the most
83 effective methods of rendering Missouri certificates of
84 ownership nonalterable or noncounterfeitable.

85 5. The fee for each original certificate so issued
86 shall be eight dollars and fifty cents, in addition to the
87 fee for registration of such motor vehicle or trailer. If
88 application for the certificate is not made within thirty
89 days after the vehicle is acquired by the applicant, or
90 where the motor vehicle was acquired under [section 301.213
91 or] subsection 5 of section 301.210 and the applicant fails
92 to make application within thirty days after receiving title

93 from the dealer, a delinquency penalty fee of twenty-five
94 dollars for the first thirty days of delinquency and twenty-
95 five dollars for each thirty days of delinquency thereafter,
96 not to exceed a total of two hundred dollars, but such
97 penalty may be waived by the director for a good cause
98 shown. If the director of revenue learns that any person
99 has failed to obtain a certificate within thirty days after
100 acquiring a motor vehicle or trailer, or where the motor
101 vehicle was acquired under [section 301.213 or] subsection 5
102 of section 301.210 and the applicant fails to make
103 application within thirty days after receiving title from
104 the dealer, or has sold a vehicle without obtaining a
105 certificate, he shall cancel the registration of all
106 vehicles registered in the name of the person, either as
107 sole owner or as a co-owner, and shall notify the person
108 that the cancellation will remain in force until the person
109 pays the delinquency penalty fee provided in this section,
110 together with all fees, charges and payments which the
111 person should have paid in connection with the certificate
112 of ownership and registration of the vehicle. The
113 certificate shall be good for the life of the motor vehicle
114 or trailer so long as the same is owned or held by the
115 original holder of the certificate and shall not have to be
116 renewed annually.

117 6. Any applicant for a certificate of ownership
118 requesting the department of revenue to process an
119 application for a certificate of ownership in an expeditious
120 manner requiring special handling shall pay a fee of five
121 dollars in addition to the regular certificate of ownership
122 fee.

123 7. It is unlawful for any person to operate in this
124 state a motor vehicle or trailer required to be registered

under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the

director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle which has been issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in

chapter 307. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and only the fees required by section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a

reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more

years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles.

The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

301.562. 1. The department may refuse to issue or renew any license required pursuant to sections 301.550 to

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

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

15 (1) The applicant or license holder was previously the
16 holder of a license issued under sections 301.550 to
17 301.580, which license was revoked for cause and never
18 reissued by the department, or which license was suspended
19 for cause and the terms of suspension have not been
20 fulfilled;

21 (2) The applicant or license holder was previously a
22 partner, stockholder, director or officer controlling or
23 managing a partnership or corporation whose license issued
24 under sections 301.550 to 301.580 was revoked for cause and
25 never reissued or was suspended for cause and the terms of
26 suspension have not been fulfilled;

27 (3) The applicant or license holder has, within ten
28 years prior to the date of the application, been finally
29 adjudicated and found guilty, or entered a plea of guilty or
30 nolo contendere, in a prosecution under the laws of any
31 state or of the United States, for any offense reasonably
32 related to the qualifications, functions, or duties of any
33 business licensed under sections 301.550 to 301.580; for any
34 offense, an essential element of which is fraud, dishonesty,

35 or an act of violence; or for any offense involving moral
36 turpitude, whether or not sentence is imposed;

37 (4) Use of fraud, deception, misrepresentation, or
38 bribery in securing any license issued pursuant to sections
39 301.550 to 301.580;

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

43 (6) Violation of, or assisting or enabling any person
44 to violate any provisions of this chapter and chapters 143,
45 144, 306, 307, 407, 578, and 643 or of any lawful rule or
46 regulation adopted pursuant to this chapter and chapters
47 143, 144, 306, 307, 407, 578, and 643;

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

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

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

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

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

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

70 3. Any such complaint shall be filed within one year
71 of the date upon which the department receives notice of an
72 alleged violation of an applicable statute or regulation.
73 After the filing of such complaint, the proceedings shall,
74 except for the matters set forth in subsection 5 of this
75 section, be conducted in accordance with the provisions of
76 chapter 621. Upon a finding by the administrative hearing
77 commission that the grounds, provided in subsection 2 of
78 this section, for disciplinary action are met, the
79 department may, singly or in combination, refuse to issue
80 the person a license, issue a license for a period of less
81 than two years, issue a private reprimand, place the person
82 on probation on such terms and conditions as the department
83 deems appropriate for a period of one day to five years,
84 suspend the person's license from one day to six days, or
85 revoke the person's license for such period as the
86 department deems appropriate. The applicant or licensee
87 shall have the right to appeal the decision of the
88 administrative hearing commission and department in the
89 manner provided in chapter 536.

90 4. Upon the suspension or revocation of any person's
91 license issued under sections 301.550 to 301.580, the
92 department shall recall any distinctive number plates that
93 were issued to that licensee. If any licensee who has been
94 suspended or revoked shall neglect or refuse to surrender
95 his or her license or distinctive number license plates
96 issued under sections 301.550 to 301.580, the director shall
97 direct any agent or employee of the department or any law

98 enforcement officer, to secure possession thereof and return
99 such items to the director. For purposes of this
100 subsection, a "law enforcement officer" means any member of
101 the highway patrol, any sheriff or deputy sheriff, or any
102 peace officer certified under chapter 590 acting in his or
103 her official capacity. Failure of the licensee to surrender
104 his or her license or distinctive number license plates upon
105 demand by the director, any agent or employee of the
106 department, or any law enforcement officer shall be a class
107 A misdemeanor.

108 5. Notwithstanding the foregoing provisions of this
109 section, the following events or acts by the holder of any
110 license issued under sections 301.550 to 301.580 are deemed
111 to present a clear and present danger to the public welfare
112 and shall be considered cause for suspension or revocation
113 of such license under the procedure set forth in subsection
114 6 of this section, at the discretion of the director:

115 (1) The expiration or revocation of any corporate
116 surety bond or irrevocable letter of credit, as required by
117 section 301.560, without submission of a replacement bond or
118 letter of credit which provides coverage for the entire
119 period of licensure;

120 (2) The failure to maintain a bona fide established
121 place of business as required by section 301.560;

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

124 (4) Three or more occurrences of violations which have
125 been established following proceedings before the
126 administrative hearing commission under subsection 3 of this
127 section, or which have been established following
128 proceedings before the director under subsection 6 of this
129 section, of this chapter and chapters 143, 144, 306, 307,

578, and 643 or of any lawful rule or regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not previously set forth herein.

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

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

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

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

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

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

(e) Shall inform the licensee that he or she has the right to attend the hearing and present any evidence in his or her defense, including evidence to show that the event or

162 act which may result in suspension or revocation has been
163 corrected to the director's satisfaction, and that he or she
164 may be represented by counsel at the hearing.

165 (3) At any hearing before the director conducted under
166 this subsection, the director or his or her designated
167 hearing officer shall consider all evidence relevant to the
168 issue of whether the license should be suspended or revoked
169 due to the occurrence of any of the acts set forth in
170 subsection 5 herein. Within twenty business days after such
171 hearing, the director or his or her designated hearing
172 officer shall issue a written order, with findings of fact
173 and conclusions of law, which either grants or denies the
174 issuance of an order of suspension or revocation. The
175 suspension or revocation shall be effective ten days after
176 the date of the order. The written order of the director or
177 his or her hearing officer shall be the final decision of
178 the director and shall be subject to judicial review under
179 the provisions of chapter 536.

180 (4) Notwithstanding the provisions of this chapter or
181 chapter 610 or 621 to the contrary, the proceedings under
182 this subsection shall be closed and no order shall be made
183 public until it is final, for purposes of appeal.

184 7. In lieu of acting under subsection 2 or 6 of this
185 section, the department of revenue may enter into an
186 agreement with the holder of the license to ensure future
187 compliance with sections 301.210, [301.213,] 307.380,
188 sections 301.217 to 301.229, and sections 301.550 to
189 301.580. Such agreement may include an assessment fee not
190 to exceed five hundred dollars per violation or five
191 thousand dollars in the aggregate unless otherwise permitted
192 by law, probation terms and conditions, and other
193 requirements as may be deemed appropriate by the department

194 of revenue and the holder of the license. Any fees
195 collected by the department of revenue under this subsection
196 shall be deposited into the motor vehicle commission fund
197 created in section 301.560.

313.270. 1. The director, pursuant to rules and
2 regulations issued by the commission, may directly purchase
3 or lease such goods or services as are necessary for
4 effectuating the purposes of sections 313.200 to 313.350,
5 including procurements which integrate functions such as
6 lottery game design, supply of goods and services, and
7 advertising. The lottery commission by approved rule may
8 purchase goods made in the United States and sold by a
9 Missouri business to be given away as prizes within the
10 provisions of section 313.321. Contracts shall be awarded
11 to lottery contractors or lottery vendors on the basis of
12 lowest and best bid on an evaluated basis in order to
13 maximize revenues to the lottery fund. The director may
14 also utilize state purchasing procedures. [The director
15 shall award at least ten percent of the aggregate dollar
16 amount of all contracts to provide goods and services to the
17 lottery to minority business enterprises as defined by the
18 office of administration and shall award at least five
19 percent of the aggregate dollar amount of all contracts to
20 provide goods and services to the lottery to women business
21 enterprises as defined by the office of administration.] No
22 contract awarded or entered into by the director may be
23 assigned by the holder thereof except by specific approval
24 of the commission.

25 2. [Any contract awarded to any lottery contractor or
26 vendor shall provide that such contractor or vendor shall
27 award a minimum of ten percent of his subcontracted business
28 to minority business enterprises as defined by the office of

29 administration and shall award a minimum of five percent of
30 his subcontracted business to women business enterprises as
31 defined by the office of administration. This section shall
32 not apply to multistate lottery.

33 [3.] Any lottery vendor which enters into a contract to
34 supply lottery materials, services or equipment for use in
35 the operation of the state lottery shall first disclose such
36 information as the commission may require, by rule and
37 regulation, concerning the selection of lottery vendors.

38 [4.] 3. The costs of any investigation into the
39 background of the applicant seeking a contract shall be
40 assessed against the applicant and shall be paid by the
41 applicant at the time of billing by the state.

42 [5.] 4. Performance bonds shall be posted by each
43 contractor with the commission with a surety acceptable to
44 the commission in an amount as may be required by the
45 commission, but not to exceed the expected total value of
46 the contract. The contract of any lottery contractor who
47 does not comply with such requirements may be terminated by
48 the commission. The commission may terminate the contract
49 of any lottery vendor who:

- 50 (1) Is convicted of any felony;
51 (2) Is convicted of any gambling-related offense;
52 (3) Is convicted of any crime involving fraud or
53 misrepresentation;
54 (4) Fails to comply with the rules and regulations of
55 the commission existing at the time the contract was entered
56 into; or
57 (5) Fails to periodically update any disclosure
58 requirements.

59 [6. The provisions in this section requiring that
60 certain percentages of lottery contracts and subcontracts be

61 awarded to businesses owned and controlled by women or
62 ethnic and racial minorities shall expire on January 1,
63 2005.]

320.092. 1. Tax credits issued pursuant to sections
2 135.400[,], and 135.750 [and 320.093] shall be subject to
3 oversight provisions. Effective January 1, 2000,
4 notwithstanding the provisions of section 32.057, the board,
5 department or authority issuing tax credits shall annually
6 report to the office of administration, president pro tem of
7 the senate, and the speaker of the house of representatives
8 regarding the tax credits issued pursuant to sections
9 135.400[,], and 135.750 [and 320.093] which were issued in
10 the previous fiscal year. The report shall contain, but not
11 be limited to, the aggregate number and dollar amount of tax
12 credits issued by the board, department or authority, the
13 number and dollar amount of tax credits claimed by
14 taxpayers, and the number and dollar amount of tax credits
15 unclaimed by taxpayers as well as the number of years
16 allowed for claims to be made. This report shall be
17 delivered no later than November of each year.

18 2. The reporting requirements established pursuant to
19 subsection 1 of this section shall also apply to the
20 department of economic development and the Missouri
21 development finance board established pursuant to section
22 100.265. The department and the Missouri development
23 finance board shall report on the tax credit programs which
24 they respectively administer that are authorized under the
25 provisions of chapters 32, 100, 135, 178, 253, 348, 447 and
26 620.

394.120. 1. No person shall become a member of a
2 cooperative unless such person shall agree to use electric
3 energy furnished by the cooperative when such electric

4 energy shall be available through its facilities. The
5 bylaws of a cooperative may provide that any person,
6 including an incorporator, shall cease to be a member
7 thereof if he or she shall fail or refuse to use electric
8 energy made available by the cooperative or if electric
9 energy shall not be made available to such person by the
10 cooperative within a specified time after such person shall
11 have become a member thereof. Membership in the cooperative
12 shall not be transferable, except as provided in the
13 bylaws. The bylaws may prescribe additional qualifications
14 and limitations in respect of membership.

15 2. An annual meeting of the members shall be held at
16 such time as shall be provided in the bylaws.

17 3. Special meetings of the members may be called by
18 the board of directors, by any three directors, by not less
19 than ten percent of the members, or by the president.

20 4. Meetings of members shall be held at such place as
21 may be provided in the bylaws. In the absence of any such
22 provisions, all meetings shall be held in the city or town
23 in which the principal office of the cooperative is located.

24 5. Except as herein otherwise provided, written or
25 printed notice stating the time and place of each meeting of
26 members and, in the case of a special meeting, the purpose
27 or purposes for which the meeting is called, shall be given
28 to each member, either personally or by mail, not less than
29 ten nor more than twenty-five days before the date of the
30 meeting.

31 6. Two percent of the first two thousand members and
32 one percent of the remaining members, present in person, or
33 if the bylaws so provide, participating electronically or by
34 mail, shall constitute a quorum for the transaction of
35 business at all meetings of the members, unless the bylaws

36 prescribe the presence of a greater percentage of the
37 members for a quorum. If less than a quorum is present at
38 any meeting, a majority of those present in person may
39 adjourn the meeting from time to time without further notice.

40 7. Each member shall be entitled to one vote on each
41 matter submitted to a vote at a meeting. Voting shall be in
42 person, but, if the bylaws so provide, may also be by proxy,
43 by electronic means, by mail, or any combination thereof.
44 If the bylaws provide for voting by proxy, by electronic
45 means, or by mail, they shall also prescribe the conditions
46 under which proxy, electronic, or mail voting shall be
47 exercised. In any event, no person shall vote as proxy for
48 more than two members at any meeting of the members.

49 [8. Notwithstanding the provisions of subsections 2
50 and 7 of this section, the board of directors shall have the
51 power to set the time and place of the annual meeting and
52 also to provide for voting by proxy, electronic means, by
53 mail, or any combination thereof, and to prescribe the
54 conditions under which such voting shall be exercised. The
55 meeting requirement provided in this section may be
56 satisfied through virtual means. The provisions of this
57 subsection shall expire on August 28, 2022.]

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

3 (1) "B-20", a blend of twenty percent by volume
4 biodiesel fuel and eighty percent by volume petroleum-based
5 diesel fuel;

6 (2) "Biodiesel", fuel as defined in ASTM Standard
7 PS121;

8 (3) "EPAct", the federal Energy Policy Act, 42 U.S.C.
9 13201, et seq.;

10 (4) "EPAct credit", a credit issued pursuant to EPAct;

11 (5) "Fund", the biodiesel fuel revolving fund;
12 (6) "Incremental cost", the difference in cost between
13 biodiesel fuel and conventional petroleum-based diesel fuel
14 at the time the biodiesel fuel is purchased.

15 2. The department, in cooperation with the department
16 of agriculture, shall establish and administer an EAct
17 credit banking and selling program to allow state agencies
18 to use moneys generated by the sale of EAct credits to
19 purchase biodiesel fuel for use in state vehicles. Each
20 state agency shall provide the department with all vehicle
21 fleet information necessary to determine the number of EAct
22 credits generated by the agency. The department may sell
23 credits in any manner pursuant to the provisions of EAct.

24 3. There is hereby created in the state treasury the
25 "Biodiesel Fuel Revolving Fund", into which shall be
26 deposited moneys received from the sale of EAct credits
27 banked by state agencies on August 28, 2001, and in future
28 reporting years, any moneys appropriated to the fund by the
29 general assembly, and any other moneys obtained or accepted
30 by the department for deposit into the fund. The fund shall
31 be managed to maximize benefits to the state in the purchase
32 of biodiesel fuel and, when possible, to accrue those
33 benefits to state agencies in proportion to the number of
34 EAct credits generated by each respective agency.

35 4. Moneys deposited into the fund shall be used to pay
36 for the incremental cost of biodiesel fuel with a minimum
37 biodiesel concentration of B-20 for use in state vehicles
38 and for administration of the fund. Not later than January
39 thirty-first of each year, the department shall submit an
40 annual report to the general assembly on the expenditures
41 from the fund during the preceding fiscal year.

42 5. Notwithstanding the provisions of section 33.080,
43 no portion of the fund shall be transferred to the general
44 revenue fund, and any appropriation made to the fund shall
45 not lapse. The state treasurer shall invest moneys in the
46 fund in the same manner as other funds are invested.
47 Interest and moneys earned on such investments shall be
48 credited to the fund.

49 6. The department shall promulgate such rules as are
50 necessary to implement this section. No rule or portion of
51 a rule promulgated pursuant to this section shall become
52 effective unless it has been promulgated pursuant to chapter
53 536.

54 [7. The department shall conduct a study of the use of
55 alternative fuels in motor vehicles in the state and shall
56 report its findings and recommendations to the general
57 assembly no later than January 1, 2002. Such study shall
58 include:

59 (1) An analysis of the current use of alternative
60 fuels in public and private vehicle fleets in the state;

61 (2) An assessment of methods that the state may use to
62 increase use of alternative fuels in vehicle fleets,
63 including the sale of credits generated pursuant to the
64 federal Energy Policy Act, 42 U.S.C. 13201, et seq., to pay
65 for the difference in cost between alternative fuels and
66 conventional fuels;

67 (3) An assessment of the benefits or harm that
68 increased use of alternative fuels may make to the state's
69 economy and environment;

70 (4) Any other information that the department deems
71 relevant.]

454.433. 1. When a tribunal of another state as
2 defined in section [454.850] **454.1503** has ordered support

3 payments to a person who has made an assignment of child
4 support rights to the family support division or who is
5 receiving child support services pursuant to section
6 454.425, the family support division may notify the court of
7 this state in the county in which the obligor, obligee or
8 the child resides or works. Until October 1, 1999, upon
9 such notice the circuit clerk shall accept all support
10 payments and remit such payments to the person or entity
11 entitled to receive the payments. Effective October 1,
12 1999, the division shall order the payment center to accept
13 all support payments and remit such payments to the person
14 or entity entitled to receive the payments.

15 2. Notwithstanding any provision of law to the
16 contrary, the notification to the court by the division
17 shall authorize the court to make the clerk trustee. The
18 clerk shall keep an accurate record of such payments and
19 shall report all collections to the division in the manner
20 specified by the division. Effective October 1, 1999, the
21 duties of the clerk as trustee pursuant to this section
22 shall terminate and all payments shall be made to the
23 payment center pursuant to section 454.530.

454.470. 1. The director may issue a notice and
2 finding of financial responsibility to a parent who owes a
3 state debt or who is responsible for the support of a child
4 on whose behalf the custodian of that child is receiving
5 support enforcement services from the division pursuant to
6 section 454.425 if a court order has not been previously
7 entered against that parent, a court order has been
8 previously entered but has been terminated by operation of
9 law or if a support order from another state has been
10 entered but is not entitled to recognition under sections
11 [454.850 to 454.997] **454.1500 to 454.1728**. Service of the

notice and finding shall be made on the parent or other party in the manner prescribed for service of process in a civil action by an authorized process server appointed by the director, or by certified mail, return receipt requested. The director may appoint any uninterested party, including but not limited to employees of the division, to serve such process. For purposes of this subsection, a parent who refuses receipt of service by certified mail is deemed to have been served. Service upon an obligee who is receiving support enforcement services under section 454.425 may be made by regular mail. When appropriate to the circumstances of the individual action, the notice shall state:

(1) The name of the person or agency with custody of the dependent child and the name of the dependent child for whom support is to be paid;

(2) The monthly future support for which the parent shall be responsible;

(3) The state debt, if any, accrued and accruing, and the monthly payment to be made on the state debt which has accrued;

(4) A statement of the costs of collection, including attorney's fees, which may be assessed against the parent;

(5) That the parent shall be responsible for providing medical insurance for the dependent child;

(6) That if a parent desires to discuss the amount of support that should be paid, the parent or person having custody of the child may, within twenty days after being served, contact the division office which sent the notice and request a negotiation conference. The other parent or person having custody of the child shall be notified of the negotiated conference and may participate in the

44 conference. If no agreement is reached on the monthly
45 amount to be paid, the director may issue a new notice and
46 finding of financial responsibility, which may be sent to
47 the parent required to pay support by regular mail addressed
48 to the parent's last known address or, if applicable, the
49 parent's attorney's last known address. A copy of the new
50 notice and finding shall be sent by regular mail to the
51 other parent or person having custody of the child;

52 (7) That if a parent or person having custody of the
53 child objects to all or any part of the notice and finding
54 of financial responsibility and no negotiation conference is
55 requested, within twenty days of the date of service the
56 parent or person having custody of the child shall send to
57 the division office which issued the notice a written
58 response which sets forth any objections and requests a
59 hearing; and, that if the director issues a new notice and
60 finding of financial responsibility, the parent or person
61 having custody of the child shall have twenty days from the
62 date of issuance of the new notice to send a hearing request;

63 (8) That if such a timely response is received by the
64 appropriate division office, and if such response raises
65 factual questions requiring the submission of evidence, the
66 parent or person having custody of the child shall have the
67 right to a hearing before an impartial hearing officer who
68 is an attorney licensed to practice law in Missouri and,
69 that if no timely written response is received, the director
70 may enter an order in accordance with the notice and finding
71 of financial responsibility;

72 (9) That the parent has the right to be represented at
73 the hearing by an attorney of the parent's own choosing;

74 (10) That the parent or person having custody of the
75 child has the right to obtain evidence and examine witnesses

76 as provided for in chapter 536, together with an explanation
77 of the procedure the parent or person having custody of the
78 child shall follow in order to exercise such rights;

79 (11) That as soon as the order is entered, the
80 property of the parent required to pay support shall be
81 subject to collection actions, including, but not limited
82 to, wage withholding, garnishment, liens, and execution
83 thereon;

84 (12) A reference to sections 454.460 to 454.510;

85 (13) That the parent is responsible for notifying the
86 division of any change of address or employment;

87 (14) That if the parent has any questions, the parent
88 should telephone or visit the appropriate division office or
89 consult an attorney; and

90 (15) Such other information as the director finds
91 appropriate.

92 2. The statement of periodic future support required
93 by subdivision (2) of subsection 1 of this section is to be
94 computed under the guidelines established in subsection 8 of
95 section 452.340.

96 3. Any time limits for notices or requests may be
97 extended by the director, and such extension shall have no
98 effect on the jurisdiction of the court, administrative
99 body, or other entity having jurisdiction over the
100 proceedings.

101 4. If a timely written response setting forth
102 objections and requesting a hearing is received by the
103 appropriate division office, and if such response raises a
104 factual question requiring the submission of evidence, a
105 hearing shall be held in the manner provided by section
106 454.475. If no timely written response and request for
107 hearing is received by the appropriate division office, the

108 director may enter an order in accordance with the notice,
109 and shall specify:

110 (1) The amount of periodic support to be paid, with
111 directions on the manner of payment;

112 (2) The amount of state debt, if any, accrued in favor
113 of the department;

114 (3) The monthly payment to be made on state debt, if
115 any;

116 (4) The amount of costs of collection, including
117 attorney's fees, assessed against the parent;

118 (5) The name of the person or agency with custody of
119 the dependent child and the name and birth date of the
120 dependent child for whom support is to be paid;

121 (6) That the property of the parent is subject to
122 collection actions, including, but not limited to, wage
123 withholding, garnishment, liens, and execution thereon; and

124 (7) If appropriate, that the parent shall provide
125 medical insurance for the dependent child, or shall pay the
126 reasonable and necessary medical expenses of the dependent
127 child.

128 5. The parent or person having custody of the child
129 shall be sent a copy of the order by regular mail addressed
130 to the parent's last known address or, if applicable, the
131 parent's attorney's last known address. The order is final,
132 and action by the director to enforce and collect upon the
133 order, including arrearages, may be taken from the date of
134 issuance of the order.

135 6. Copies of the orders issued pursuant to this
136 section shall be mailed within fourteen days of the issuance
137 of the order.

138 7. Any parent or person having custody of the child
139 who is aggrieved as a result of any allegation or issue of

fact contained in the notice and finding of financial responsibility shall be afforded an opportunity for a hearing, upon the request in writing filed with the director not more than twenty days after service of the notice and finding is made upon such parent or person having custody of the child, and if in requesting such hearing, the aggrieved parent or person having custody of the child raises a factual issue requiring the submission of evidence.

8. At any time after the issuance of an order under this section, the director may issue an order vacating that order if it is found that the order was issued without subject matter or personal jurisdiction or if the order was issued without affording the obligor due process of law.

454.490. 1. A true copy of any order entered by the director pursuant to sections 454.460 to [454.997] **454.1728**, along with a true copy of the return of service, may be filed with the clerk of the circuit court in the county in which the judgment of dissolution or paternity has been entered, or if no such judgment was entered, in the county where either the parent or the dependent child resides or where the support order was filed. Upon filing, the clerk shall enter the order in the judgment docket. Upon docketing, the order shall have all the force, effect, and attributes of a docketed order or decree of the circuit court, including, but not limited to, lien effect and enforceability by supplementary proceedings, contempt of court, execution and garnishment. Any administrative order or decision of the family support division filed in the office of the circuit clerk of the court shall not be required to be signed by an attorney, as provided by supreme court rule of civil procedures 55.03(a), or required to have any further pleading other than the director's order.

20 2. In addition to any other provision to enforce an
21 order docketed pursuant to this section or any other support
22 order of the court, the court may, upon petition by the
23 division, require that an obligor who owes past due support
24 to pay support in accordance with a plan approved by the
25 court, or if the obligor is subject to such plan and is not
26 incapacitated, the court may require the obligor to
27 participate in work activities.

28 3. In addition to any other provision to enforce an
29 order docketed pursuant to this section or any other support
30 order of the court, division or other IV-D agency, the
31 director may order that an obligor who owes past due support
32 to pay support in accordance with a plan approved by the
33 director, or if the obligor is subject to such plan and is
34 not incapacitated, the director may order the obligor to
35 participate in work activities. The order of the director
36 shall be filed with a court pursuant to subsection 1 of this
37 section and shall be enforceable as an order of the court.

38 4. As used in this section, "work activities" include:
39 (1) Unsubsidized employment;
40 (2) Subsidized private sector employment;
41 (3) Subsidized public sector employment;
42 (4) Work experience (including work associated with
43 the refurbishing of publicly assisted housing) if sufficient
44 private sector employment is not available;
45 (5) On-the-job training;
46 (6) Job search and readiness assistance;
47 (7) Community services programs;
48 (8) Vocational educational training, not to exceed
49 twelve months for any individual;
50 (9) Job skills training directly related to employment;

51 (10) Education directly related to employment for an
52 individual who has not received a high school diploma or its
53 equivalent;

54 (11) Satisfactory attendance at a secondary school or
55 course of study leading to a certificate of general
56 equivalence for an individual who has not completed
57 secondary school or received such a certificate; or

58 (12) The provision of child care services to an
59 individual who is participating in a community service
60 program.

 488.426. 1. The judges of the circuit court, en banc,
2 in any circuit in this state may require any party filing a
3 civil case in the circuit court, at the time of filing the
4 suit, to deposit with the clerk of the court a surcharge in
5 addition to all other deposits required by law or court
6 rule. Sections 488.426 to 488.432 shall not apply to
7 proceedings when costs are waived or are to be paid by the
8 county or state or any city.

9 2. The surcharge in effect on August 28, 2001, shall
10 remain in effect until changed by the circuit court. The
11 circuit court in any circuit, except the circuit court in
12 Jackson County or the circuit court in any circuit that
13 reimburses the state for the salaries of family court
14 commissioners under and pursuant to section 487.020, may
15 change the fee to any amount not to exceed fifteen dollars.
16 The circuit court in Jackson County or the circuit court in
17 any circuit that reimburses the state for the salaries of
18 family court commissioners under and pursuant to section
19 487.020 may change the fee to any amount not to exceed
20 twenty dollars. A change in the fee shall become effective
21 and remain in effect until further changed.

22 3. Sections 488.426 to 488.432 shall not apply to
23 proceedings when costs are waived or are paid by the county
24 or state or any city.

25 [4. In addition to any fee authorized by subsection 1
26 of this section, any county of the first classification with
27 more than one hundred one thousand but fewer than one
28 hundred fifteen thousand inhabitants may impose an
29 additional fee of ten dollars excluding cases concerning
30 adoption and those in small claims court. The provisions of
31 this subsection shall expire on December 31, 2019.]

 620.570. 1. [The Missouri training and employment
2 council, as established in section 620.523, shall review and
3 recommend criteria for evaluating project funding
4 assistance, program criteria, and other requirements and
5 priorities to be used by the division in the evaluation and
6 monitoring of Missouri youth service and conservation corps
7 projects.]

8 [2.] The division shall work with the department of
9 higher education and workforce development, the department
10 of elementary and secondary education, all colleges,
11 universities and lending institutions throughout the state
12 to develop a system of academic credit, tuition grants and
13 deferred loan repayment incentives for young adults who
14 enroll and complete participation in corps programs. The
15 division shall adopt rules under chapter 536 designed to
16 implement any such incentive programs.

17 [3.] 2. The division of workforce development of the
18 department of economic development shall establish and
19 promote the recruitment of "Show-Me Employers" which shall
20 consist of Missouri-based corporations and businesses
21 agreeing to interview, for entry-level jobs, participants
22 successfully completing a youth corps program.

23 [4.] 3. The division of workforce development of the
24 department of economic development shall recognize and
25 promote within the labor exchange system the youth service
26 corps and the potential benefits of hiring participants who
27 have successfully completed any of the corps' programs.

620.1020. There is hereby created within the
2 department of economic development a "Business Extension
3 Service Team" program. The purpose of the teams shall be to
4 provide technical and management assistance to Missouri
5 businesses, to improve their competitiveness and increase
6 their market share of the economy, to assist businesses with
7 the introduction of improved production processes, and to
8 assist the businesses with their job training needs. [Each
9 team shall inform the Missouri training and employment
10 council of specific job training needs which it identifies
11 for an individual business or general job training needs
12 which it recommends for the state. A team may recommend
13 that, by means of contract, feasibility studies or
14 productivity assessments be performed for businesses.]

15 Businesses to be assisted may include those faced with
16 employee layoffs, plant closings or financial instability.
17 The expenses of a team shall be financed by state and
18 federal appropriations, local governments, economic
19 development organizations, private contributions and fees
20 paid by assisted businesses.

620.2020. 1. The department shall respond to a
2 written request, by or on behalf of a qualified company or
3 qualified military project, for a proposed benefit award
4 under the provisions of this program within five business
5 days of receipt of such request. The department shall
6 respond to a written request, by or on behalf of a qualified
7 manufacturing company, for a proposed benefit award under

8 the provisions of this program within fifteen business days
9 of receipt of such request. Such response shall contain
10 either a proposal of benefits for the qualified company or
11 qualified military project, or a written response refusing
12 to provide such a proposal and stating the reasons for such
13 refusal. A qualified company or qualified military project
14 that intends to seek benefits under the program shall submit
15 to the department a notice of intent. The department shall
16 respond within thirty days to a notice of intent with an
17 approval or a rejection, provided that the department may
18 withhold approval or provide a contingent approval until it
19 is satisfied that proper documentation of eligibility has
20 been provided. The department shall certify or reject the
21 qualifying company's plan outlined in their notice of intent
22 as satisfying good faith efforts made to employ, at a
23 minimum, commensurate with the percentage of minority
24 populations in the state of Missouri, as reported in the
25 previous decennial census, the following: racial
26 minorities, contractors who are racial minorities, and
27 contractors that, in turn, employ at a minimum racial
28 minorities commensurate with the percentage of minority
29 populations in the state of Missouri, as reported in the
30 previous decennial census. Failure to respond on behalf of
31 the department shall result in the notice of intent being
32 deemed approved. A qualified company receiving approval for
33 program benefits may receive additional benefits for
34 subsequent new jobs at the same facility after the full
35 initial project period if the applicable minimum job
36 requirements are met. There shall be no limit on the number
37 of project periods a qualified company may participate in
38 the program, and a qualified company may elect to file a
39 notice of intent to begin a new project period concurrent

40 with an existing project period if the applicable minimum
41 job requirements are achieved, the qualified company
42 provides the department with the required annual reporting,
43 and the qualified company is in compliance with this program
44 and any other state programs in which the qualified company
45 is currently or has previously participated. However, the
46 qualified company shall not receive any further program
47 benefits under the original approval for any new jobs
48 created after the date of the new notice of intent, and any
49 jobs created before the new notice of intent shall not be
50 included as new jobs for purposes of the benefit calculation
51 for the new approval. When a qualified company has filed
52 and received approval of a notice of intent and subsequently
53 files another notice of intent, the department shall apply
54 the definition of project facility under subdivision (24) of
55 section 620.2005 to the new notice of intent as well as all
56 previously approved notices of intent and shall determine
57 the application of the definitions of new job, new payroll,
58 project facility base employment, and project facility base
59 payroll accordingly.

60 2. Notwithstanding any provision of law to the
61 contrary, the benefits available to the qualified company
62 under any other state programs for which the company is
63 eligible and which utilize withholding tax from the new or
64 retained jobs of the company shall first be credited to the
65 other state program before the withholding retention level
66 applicable under this program will begin to accrue. If any
67 qualified company also participates in a job training
68 program utilizing withholding tax, the company shall retain
69 no withholding tax under this program, but the department
70 shall issue a refundable tax credit for the full amount of
71 benefit allowed under this program. The calendar year

72 annual maximum amount of tax credits which may be issued to
73 a qualifying company that also participates in a job
74 training program shall be increased by an amount equivalent
75 to the withholding tax retained by that company under a jobs
76 training program.

77 3. A qualified company or qualified military project
78 receiving benefits under this program shall provide an
79 annual report of the number of jobs, along with minority
80 jobs created or retained, and such other information as may
81 be required by the department to document the basis for
82 program benefits available no later than ninety days prior
83 to the end of the qualified company's or industrial
84 development authority's tax year immediately following the
85 tax year for which the benefits provided under the program
86 are attributed. In such annual report, if the average wage
87 is below the applicable percentage of the county average
88 wage, the qualified company or qualified military project
89 has not maintained the employee insurance as required, if
90 the department after a review determines the qualifying
91 company fails to satisfy other aspects of their notice of
92 intent, including failure to make good faith efforts to
93 employ, at a minimum, commensurate with the percentage of
94 minority populations in the state of Missouri, as reported
95 in the previous decennial census, the following: racial
96 minorities, contractors who are racial minorities, and
97 contractors that, in turn, employ at a minimum racial
98 minorities commensurate with the percentage of minority
99 populations in the state of Missouri, as reported in the
100 previous decennial census, or if the number of jobs is below
101 the number required, the qualified company or qualified
102 military project shall not receive tax credits or retain the
103 withholding tax for the balance of the project period. If a

104 statewide state of emergency exists for more than sixteen
105 months, a qualified company or industrial development
106 authority shall be entitled to a one-time suspension of
107 program deadlines equal to the number of months such
108 statewide state of emergency existed with any partial month
109 rounded to the next whole. During such suspension, the
110 qualified company or industrial development authority shall
111 not be entitled to retain any withholding tax as calculated
112 under subdivision (38) of section 620.2005 nor shall it earn
113 any awarded tax credit or receive any tax credit under the
114 program for the suspension period. The suspension period
115 shall run consecutively and be available to a qualified
116 company or industrial development authority that, during the
117 statewide state of emergency, submitted notice of intent
118 that was approved or that was in year one or a subsequent
119 year of benefits under a program agreement with the
120 department. The suspension period that runs consecutively
121 and may be available to a qualified company or industrial
122 development authority as provided in this subsection may
123 apply retroactively. Any qualified company or industrial
124 development authority requesting a suspension pursuant to
125 this subsection shall submit notice to the department on its
126 provided form identifying the requested start and end dates
127 of the suspension, not to exceed the maximum number of
128 months available under this subsection. Such notice shall
129 be submitted to the department not later than the end of the
130 twelfth month following the termination of the state of
131 emergency. No suspension period shall start later than the
132 date on which the state of emergency was terminated. The
133 department and the qualified company or the industrial
134 development authority shall enter into a program agreement
135 or shall amend an existing program agreement, as applicable,

136 stating the deadlines following the suspension period and
137 updating the applicable wage requirements. Failure to
138 timely file the annual report required under this section
139 may result in the forfeiture of tax credits attributable to
140 the year for which the reporting was required and a
141 recapture of withholding taxes retained by the qualified
142 company or qualified military project during such year.

143 4. The department may withhold the approval of any
144 benefits under this program until it is satisfied that
145 proper documentation has been provided, and shall reduce the
146 benefits to reflect any reduction in full-time employees or
147 payroll. Upon approval by the department, the qualified
148 company may begin the retention of the withholding taxes
149 when it reaches the required number of jobs and the average
150 wage meets or exceeds the applicable percentage of county
151 average wage. Tax credits, if any, may be issued upon
152 satisfaction by the department that the qualified company
153 has exceeded the applicable percentage of county average
154 wage and the required number of jobs; provided that, tax
155 credits awarded under subsection 7 of section 620.2010 may
156 be issued following the qualified company's acceptance of
157 the department's proposal and pursuant to the requirements
158 set forth in the written agreement between the department
159 and the qualified company under subsection 4 of section
160 620.2010.

161 5. Any qualified company or qualified military project
162 approved for benefits under this program shall provide to
163 the department, upon request, any and all information and
164 records reasonably required to monitor compliance with
165 program requirements. This program shall be considered a
166 business recruitment tax credit under subdivision (3) of
167 subsection 2 of section 135.800, and any qualified company

168 or qualified military project approved for benefits under
169 this program shall be subject to the provisions of sections
170 135.800 to 135.830.

171 6. Any taxpayer who is awarded benefits under this
172 program who knowingly hires individuals who are not allowed
173 to work legally in the United States shall immediately
174 forfeit such benefits and shall repay the state an amount
175 equal to any state tax credits already redeemed and any
176 withholding taxes already retained.

177 7. (1) The maximum amount of tax credits that may be
178 authorized under this program for any fiscal year shall be
179 limited as follows, less the amount of any tax credits
180 previously obligated for that fiscal year under any of the
181 tax credit programs referenced in subsection 14 of this
182 section:

183 (a) For the fiscal year beginning on July 1, 2013, but
184 ending on or before June 30, 2014, no more than one hundred
185 six million dollars in tax credits may be authorized;

186 (b) For the fiscal year beginning on July 1, 2014, but
187 ending on or before June 30, 2015, no more than one hundred
188 eleven million dollars in tax credits may be authorized;

189 (c) For fiscal years beginning on or after July 1,
190 2015, but ending on or before June 30, 2020, no more than
191 one hundred sixteen million dollars in tax credits may be
192 authorized for each fiscal year; and

193 (d) For all fiscal years beginning on or after July 1,
194 2020, no more than one hundred six million dollars in tax
195 credits may be authorized for each fiscal year. The
196 provisions of this paragraph shall not apply to tax credits
197 issued to qualified companies under a notice of intent filed
198 prior to July 1, 2020.

(2) For all fiscal years beginning on or after July 1, 2020, in addition to the amount of tax credits that may be authorized under paragraph (d) of subdivision (1) of this subsection, an additional ten million dollars in tax credits may be authorized for each fiscal year for the purpose of the completion of infrastructure projects directly connected with the creation or retention of jobs under the provisions of sections 620.2000 to 620.2020 and an additional ten million dollars in tax credits may be authorized for each fiscal year for a qualified manufacturing company based on a manufacturing capital investment as set forth in section 620.2010.

8. For all fiscal years beginning on or after July 1, 2020, the maximum total amount of withholding tax that may be authorized for retention for the creation of new jobs under the provisions of sections 620.2000 to 620.2020 by qualified companies with a project facility base employment of at least fifty shall not exceed seventy-five million dollars for each fiscal year. The provisions of this subsection shall not apply to withholding tax authorized for retention for the creation of new jobs by qualified companies with a project facility base employment of less than fifty.

9. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company or qualified military project under this program; provided that, the department may reserve up to twenty-one and one-half percent of the

maximum annual amount of tax credits that may be authorized under subsection 7 of this section for award under subsection 7 of section 620.2010. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department or, for qualified military projects, annual verification of average salary for the jobs directly created by the qualified military project. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company or qualified military project meets the applicable minimum new job requirements or, for benefits awarded under subsection 7 of section 620.2010, until the qualified company has satisfied the requirements set forth in the written agreement between the department and the qualified company under subsection 4 of section 620.2010. In the event the qualified company or qualified military project does not meet the applicable minimum new job requirements, the qualified company or qualified military project may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company or qualified military project at the project facility or other facilities.

10. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which

they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

11. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of commerce and insurance that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of commerce and insurance, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all

295 available credits toward a tax delinquency, the
296 administering agency shall notify the appropriate department
297 and that department shall update the amount of outstanding
298 delinquent tax owed by the applicant. If any credits remain
299 after satisfying all insurance, income, sales, and use tax
300 delinquencies, the remaining credits shall be issued to the
301 applicant, subject to the restrictions of other provisions
302 of law.

303 12. The director of revenue shall issue a refund to
304 the qualified company to the extent that the amount of tax
305 credits allowed under this program exceeds the amount of the
306 qualified company's tax liability under chapter 143 or 148.

307 13. An employee of a qualified company shall receive
308 full credit for the amount of tax withheld as provided in
309 section 143.211.

310 14. Notwithstanding any provision of law to the
311 contrary, beginning August 28, 2013, no new benefits shall
312 be authorized for any project that had not received from the
313 department a proposal or approval for such benefits prior to
314 August 28, 2013, under the development tax credit program
315 created under sections 32.100 to 32.125, the rebuilding
316 communities tax credit program created under section
317 135.535, the enhanced enterprise zone tax credit program
318 created under sections 135.950 to 135.973, and the Missouri
319 quality jobs program created under sections 620.1875 to
320 620.1890. The provisions of this subsection shall not be
321 construed to limit or impair the ability of any
322 administering agency to authorize or issue benefits for any
323 project that had received an approval or a proposal from the
324 department under any of the programs referenced in this
325 subsection prior to August 28, 2013, or the ability of any
326 taxpayer to redeem any such tax credits or to retain any

withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963.

Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall

(1) simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs].

15. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

16. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

17. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

18. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under sections 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

388 (2) If such program is reauthorized, the program
389 authorized under this section shall automatically sunset
390 twelve years after the effective date of the reauthorization
391 of sections 620.2000 to 620.2020; and

392 (3) Sections 620.2000 to 620.2020 shall terminate on
393 September first of the calendar year immediately following
394 the calendar year in which the program authorized under
395 sections 620.2000 to 620.2020 is sunset.

630.717. 1. Any residential facility or day program
2 which provides services exclusively to those persons
3 affected by alcohol or drug abuse shall be exempt from
4 licensure rules promulgated by the department.

5 2. Any residential facility or day program which
6 offers services, treatment or rehabilitation to persons
7 affected by alcohol or drug abuse shall submit to the
8 department a description of the services, treatment or
9 rehabilitation which it offers, a statement of whether each
10 facility or program is required to meet any fire-safety
11 standards of a municipality, political subdivision of the
12 state, and documentation of compliance with such standards,
13 if they apply.

14 3. [The department shall survey all such facilities
15 and programs and shall prepare a report for submission to
16 the general assembly of actions necessary to bring such
17 facilities and programs in compliance with fire-safety
18 standards developed by the department for certification.
19 The report shall be filed with the speaker of the house and
20 the president pro tem of the senate by January 1, 1983.

21 4.] Failure of a facility or program to submit
22 information requested by the department and required by this
23 section shall disqualify such facility or program from

24 receiving department certification or funding until such
25 information is submitted.

[21.851. 1. There is hereby established a
2 joint committee of the general assembly, which
3 shall be known as the "Joint Committee on
4 Disaster Preparedness and Awareness" and shall
5 be composed of the following members:

6 (1) Three members of the senate to be
7 appointed by the president pro tempore of the
8 senate;

9 (2) Two members of the senate to be
10 appointed by the minority floor leader of the
11 senate;

12 (3) Three members of the house of
13 representatives to be appointed by the speaker
14 of the house of representatives;

15 (4) Two members of the house of
16 representatives to be appointed by the minority
17 floor leader of the house of representatives;

18 (5) The director of the department of
19 public safety, or his or her designee;

20 (6) The director of the department of
21 agriculture, or his or her designee; and

22 (7) The adjutant general of the state, or
23 his or her designee.

24 2. A majority of the members of the
25 committee shall constitute a quorum, but the
26 concurrence of a majority of the members shall
27 be required for the determination of any matter
28 within the committee's duties.

29 3. The joint committee shall make a
30 continuous study and investigation into issues
31 relating to disaster preparedness and awareness
32 including, but not limited to, the following
33 areas:

34 (1) Natural and manmade disasters;

35 (2) State and local preparedness for
36 floods;

37 (3) State and local preparedness for
38 tornados, blizzards, and other severe storms;

39 (4) Food and energy resiliency;

40 (5) Cybersecurity;

41 (6) The budget reserve fund established
42 under Article IV, Section 27(a) of the Missouri
43 Constitution;

44 (7) The protection of vulnerable
45 populations in intermediate care facilities and
46 skilled nursing facilities as those terms are
47 defined in section 198.006; and

48 (8) Premises that have been previously
49 contaminated with radioactive material.

50 4. The joint committee shall compile a
51 full report of its activities for submission to
52 the general assembly. The report shall be
53 submitted not later than January first of even-
54 numbered years and may include any
55 recommendations which the committee may have for
56 legislative action. The report may also include
57 an analysis and statement of the manner in which
58 statutory provisions relating to disaster
59 preparedness and awareness are being executed.

60 5. The joint committee may employ such
61 personnel as it deems necessary to carry out the
62 duties imposed by this section, within the
63 limits of any appropriation for such purpose.

64 6. The members of the committee shall
65 serve without compensation, but any actual and
66 necessary expenses incurred in the performance
67 of the committee's official duties by the joint
68 committee, its members, and any staff assigned
69 to the committee shall be paid from the joint
70 contingent fund.

71 7. This section shall expire on December
72 31, 2022.]

 [32.088. 1. There is hereby created the
2 "Missouri Task Force on Fair, Nondiscriminatory
3 Local Taxation Concerning Motor Vehicles,
4 Trailers, Boats, and Outboard Motors" to consist
5 of the following members:

6 (1) The following six members of the
7 general assembly:

8 (a) Three members of the house of
9 representatives, with no more than two members
10 from the same political party and each member to

11 be appointed by the speaker of the house of
12 representatives; and

13 (b) Three members of the senate, with no
14 more than two members from the same political
15 party and each member to be appointed by the
16 president pro tempore of the senate;

17 (2) The director of the department of
18 revenue or the director's designee;

19 (3) Two Missouri motor vehicle dealers,
20 with one to be appointed by the speaker of the
21 house of representatives and one to be appointed
22 by the president pro tempore of the senate;

23 (4) Two representatives from Missouri
24 county governments, with one to be appointed by
25 the speaker of the house of representatives and
26 one to be appointed by the president pro tempore
27 of the senate;

28 (5) Two representatives from Missouri city
29 governments, with one to be appointed by the
30 speaker of the house of representatives and one
31 to be appointed by the president pro tempore of
32 the senate; and

33 (6) One Missouri marine dealer, to be
34 appointed by the speaker of the house of
35 representatives.

36 2. The task force shall meet within thirty
37 days after its creation and organize by
38 selecting a chair and a vice chair, one of whom
39 shall be a member of the senate and the other of
40 whom shall be a member of the house of
41 representatives. The chair shall designate a
42 person to keep the records of the task force. A
43 majority of the task force constitutes a quorum
44 and a majority vote of a quorum is required for
45 any action.

46 3. The task force shall meet at least
47 quarterly. However, the task force shall meet
48 at least monthly during each term of the general
49 assembly. Meetings may be held by telephone or
50 video conference at the discretion of the chair.

51 4. Members shall serve on the task force
52 without compensation but may, subject to
53 appropriation, be reimbursed for actual and
54 necessary expenses incurred in the performance

55 of their official duties as members of the task
56 force.

57 5. The goals of the task force shall
58 address:

59 (1) The disparity in taxation that
60 resulted from the Missouri Supreme Court's
61 decision in *Street v. Director of Revenue*, 361
62 S.W.3d 355 (Mo. en banc 2012), concerning the
63 local taxation of motor vehicles, boats,
64 trailers, and outboard motors if purchased from
65 a source other than a licensed Missouri dealer;

66 (2) The need for local jurisdictions to
67 continue to receive revenue to provide vital
68 services restored by S.B. 23, effective July 5,
69 2013; and

70 (3) The need to avoid placing Missouri
71 dealers of motor vehicles, outboard motors,
72 boats, and trailers at a competitive
73 disadvantage to non-Missouri dealers of motor
74 vehicles, outboard motors, boats, and trailers.

75 6. The task force shall:

76 (1) Review evidence regarding the methods
77 to address the goals of the task force;

78 (2) Review the methods used by other
79 states to address the goals of the task force;

80 (3) Review the impact of the disparity of
81 treatment on Missouri dealers; and

82 (4) Develop legislation that will not
83 discriminate against Missouri dealers and will
84 safeguard local revenue to provide vital local
85 services.

86 7. On or before December 31, 2017, the
87 task force shall submit a report on its findings
88 to the governor and general assembly. The
89 report shall include any dissenting opinions in
90 addition to any majority opinions.

91 8. The task force shall expire on January
92 1, 2018, or upon submission of a report under
93 subsection 7 of this section, whichever is
94 earlier.]

[67.5125. By December 31, 2018, the
2 department of revenue shall prepare and deliver
3 a report to the general assembly on the amount

4 of revenue collected by local governments for
5 the previous three fiscal years from
6 communications service providers, as such term
7 is defined in section 67.5111; a direct-to-home
8 satellite service, as defined in Public Law 104-
9 104, Title VI, Section 602; and any video
10 service provided through electronic commerce, as
11 defined in Public Law 105-277, Title XI, as
12 amended, Section 1105(3), from video fees,
13 linear-foot fees, antenna fees, sales and use
14 taxes, gross receipts taxes, business license
15 fees, business license taxes, or any other taxes
16 or fees assessed to such providers.]

[99.1205. 1. This section shall be known
2 and may be cited as the "Distressed Areas Land
3 Assemblage Tax Credit Act".

4 2. As used in this section, the following
5 terms mean:

6 (1) "Acquisition costs", the purchase
7 price for the eligible parcel, costs of
8 environmental assessments, closing costs, real
9 estate brokerage fees, reasonable demolition
10 costs of vacant structures, and reasonable
11 maintenance costs incurred to maintain an
12 acquired eligible parcel for a period of five
13 years after the acquisition of such eligible
14 parcel. Acquisition costs shall not include
15 costs for title insurance and survey, attorney's
16 fees, relocation costs, fines, or bills from a
17 municipality;

18 (2) "Applicant", any person, firm,
19 partnership, trust, limited liability company,
20 or corporation which has:

21 (a) Incurred, within an eligible project
22 area, acquisition costs for the acquisition of
23 land sufficient to satisfy the requirements
24 under subdivision (8) of this subsection; and

25 (b) Been appointed or selected, pursuant
26 to a redevelopment agreement by a municipal
27 authority, as a redeveloper or similar
28 designation, under an economic incentive law, to
29 redevelop an urban renewal area or a
30 redevelopment area that includes all of an

31 eligible project area or whose redevelopment
32 plan or redevelopment area, which encompasses
33 all of an eligible project area, has been
34 approved or adopted under an economic incentive
35 law. In addition to being designated the
36 redeveloper, the applicant shall have been
37 designated to receive economic incentives only
38 after the municipal authority has considered the
39 amount of the tax credits in adopting such
40 economic incentives as provided in subsection 8
41 of this section. The redevelopment agreement
42 shall provide that:

43 a. The funds generated through the use or
44 sale of the tax credits issued under this
45 section shall be used to redevelop the eligible
46 project area;

47 b. No more than seventy-five percent of
48 the urban renewal area identified in the urban
49 renewal plan or the redevelopment area
50 identified in the redevelopment plan may be
51 redeveloped by the applicant; and

52 c. The remainder of the urban renewal area
53 or the redevelopment area shall be redeveloped
54 by co-redevelopers or redevelopers to whom the
55 applicant has assigned its redevelopment rights
56 and obligations under the urban renewal plan or
57 the redevelopment plan;

58 (3) "Certificate", a tax credit
59 certificate issued under this section;

60 (4) "Condemnation proceedings", any action
61 taken by, or on behalf of, an applicant to
62 initiate an action in a court of competent
63 jurisdiction to use the power of eminent domain
64 to acquire a parcel within the eligible project
65 area. Condemnation proceedings shall include
66 any and all actions taken after the submission
67 of a notice of intended acquisition to an owner
68 of a parcel within the eligible project area by
69 a municipal authority or any other person or
70 entity under section 523.250;

71 (5) "Department", the Missouri department
72 of economic development;

73 (6) "Economic incentive laws", any
74 provision of Missouri law pursuant to which

75 economic incentives are provided to redevelopers
76 of a parcel or parcels to redevelop the land,
77 such as tax abatement or payments in lieu of
78 taxes, or redevelopment plans or redevelopment
79 projects approved or adopted which include the
80 use of economic incentives to redevelop the
81 land. Economic incentive laws include, but are
82 not limited to, the land clearance for
83 redevelopment authority law under sections
84 99.300 to 99.660, the real property tax
85 increment allocation redevelopment act under
86 sections 99.800 to 99.865, the Missouri downtown
87 and rural economic stimulus act under sections
88 99.915 to 99.1060, and the downtown
89 revitalization preservation program under
90 sections 99.1080 to 99.1092;

91 (7) "Eligible parcel", a parcel:

92 (a) Which is located within an eligible
93 project area;

94 (b) Which is to be redeveloped;

95 (c) On which the applicant has not
96 commenced construction prior to November 28,
97 2007;

98 (d) Which has been acquired without the
99 commencement of any condemnation proceedings
100 with respect to such parcel brought by or on
101 behalf of the applicant. Any parcel acquired by
102 the applicant from a municipal authority shall
103 not constitute an eligible parcel; and

104 (e) On which all outstanding taxes, fines,
105 and bills levied by municipal governments that
106 were levied by the municipality during the time
107 period that the applicant held title to the
108 eligible parcel have been paid in full;

109 (8) "Eligible project area", an area which
110 shall have satisfied the following requirements:

111 (a) The eligible project area shall
112 consist of at least seventy-five acres and may
113 include parcels within its boundaries that do
114 not constitute an eligible parcel;

115 (b) At least eighty percent of the
116 eligible project area shall be located within a
117 Missouri qualified census tract area, as
118 designated by the United States Department of

Housing and Urban Development under 26 U.S.C. Section 42, or within a distressed community as that term is defined in section 135.530;

(c) The eligible parcels acquired by the applicant within the eligible project area shall total at least fifty acres, which may consist of contiguous and noncontiguous parcels;

(d) The average number of parcels per acre in an eligible project area shall be four or more;

(e) Less than five percent of the acreage within the boundaries of the eligible project area shall consist of owner-occupied residences which the applicant has identified for acquisition under the urban renewal plan or the redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section on the date of the approval or adoption of such plan;

(9) "Interest costs", interest, loan fees, and closing costs. Interest costs shall not include attorney's fees;

(10) "Maintenance costs", costs of boarding up and securing vacant structures, costs of removing trash, and costs of cutting grass and weeds;

(11) "Municipal authority", any city, town, village, county, public body corporate and politic, political subdivision, or land trust of this state established and authorized to own land within the state;

(12) "Municipality", any city, town, village, or county;

(13) "Parcel", a single lot or tract of land, and the improvements thereon, owned by, or recorded as the property of, one or more persons or entities;

(14) "Redeveloped", the process of undertaking and carrying out a redevelopment plan or urban renewal plan pursuant to which the conditions which provided the basis for an eligible project area to be included in a

163 redevelopment plan or urban renewal plan are to
164 be reduced or eliminated by redevelopment or
165 rehabilitation; and

166 (15) "Redevelopment agreement", the
167 redevelopment agreement or similar agreement
168 into which the applicant entered with a
169 municipal authority and which is the agreement
170 for the implementation of the urban renewal plan
171 or redevelopment plan pursuant to which the
172 applicant was appointed or selected as the
173 redeveloper or by which the person or entity was
174 qualified as an applicant under this section;
175 and such appointment or selection shall have
176 been approved by an ordinance of the governing
177 body of the municipality, or municipalities, or
178 in the case of any city not within a county, the
179 board of aldermen, in which the eligible project
180 area is located. The redevelopment agreement
181 shall include a time line for redevelopment of
182 the eligible project area. The redevelopment
183 agreement shall state that the named developer
184 shall be subject to the provisions of chapter
185 290.

186 3. Any applicant shall be entitled to a
187 tax credit against the taxes imposed under
188 chapters 143, 147, and 148, except for sections
189 143.191 to 143.265, in an amount equal to fifty
190 percent of the acquisition costs, and one
191 hundred percent of the interest costs incurred
192 for a period of five years after the acquisition
193 of an eligible parcel. No tax credits shall be
194 issued under this section until after January 1,
195 2008.

196 4. If the amount of such tax credit
197 exceeds the total tax liability for the year in
198 which the applicant is entitled to receive a tax
199 credit, the amount that exceeds the state tax
200 liability may be carried forward for credit
201 against the taxes imposed under chapters 143,
202 147, and 148 for the succeeding six years, or
203 until the full credit is used, whichever occurs
204 first. The applicant shall not be entitled to a
205 tax credit for taxes imposed under sections
206 143.191 to 143.265. Applicants entitled to

receive such tax credits may transfer, sell, or assign the tax credits. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

5. A purchaser, transferee, or assignee of the tax credits authorized under this section may use acquired tax credits to offset up to one hundred percent of the tax liabilities otherwise imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265. A seller, transferor, or assignor shall perfect such transfer by notifying the department in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department to administer and carry out the provisions of this section.

6. To claim tax credits authorized under this section, an applicant shall submit to the department an application for a certificate. An applicant shall identify the boundaries of the eligible project area in the application. The department shall verify that the applicant has submitted a valid application in the form and format required by the department. The department shall verify that the municipal authority held the requisite hearings and gave the requisite notices for such hearings in accordance with the applicable economic incentive act, and municipal ordinances. On an annual basis, an applicant may file for the tax credit for the acquisition costs, and for the tax credit for the interest costs, subject to the limitations of this section. If an applicant applying for the tax credit meets the criteria required under this section, the department shall issue a certificate in the appropriate amount. If an applicant receives a tax credit for maintenance costs as a part of

the applicant's acquisition costs, the department shall post on its internet website the amount and type of maintenance costs and a description of the redevelopment project for which the applicant received a tax credit within thirty days after the department issues the certificate to the applicant.

7. The total aggregate amount of tax credits authorized under this section shall not exceed ninety-five million dollars. At no time shall the annual amount of the tax credits issued under this section exceed twenty million dollars. If the tax credits that are to be issued under this section exceed, in any year, the twenty million dollar limitation, the department shall either:

(1) Issue tax credits to the applicant in the amount of twenty million dollars, if there is only one applicant entitled to receive tax credits in that year; or

(2) Issue the tax credits on a pro rata basis to all applicants entitled to receive tax credits in that year. Any amount of tax credits, which an applicant is, or applicants are, entitled to receive on an annual basis and are not issued due to the twenty million dollar limitation, shall be carried forward for the benefit of the applicant or applicants to subsequent years.

No tax credits provided under this section shall be authorized after August 28, 2013. Any tax credits which have been authorized on or before August 28, 2013, but not issued, may be issued, subject to the limitations provided under this subsection, until all such authorized tax credits have been issued.

8. Upon issuance of any tax credits pursuant to this section, the department shall report to the municipal authority the applicant's name and address, the parcel numbers of the eligible parcels for which the tax credits were issued, the itemized acquisition costs and interest costs for which tax credits were issued, and the total value of the tax

credits issued. The municipal authority and the state shall not consider the amount of the tax credits as an applicant's cost, but shall include the tax credits in any sources and uses and cost benefit analysis reviewed or created for the purpose of awarding other economic incentives. The amount of the tax credits shall not be considered an applicant's cost in the evaluation of the amount of any award of any other economic incentives, but shall be considered in measuring the reasonableness of the rate of return to the applicant with respect to such award of other economic incentives. The municipal authority shall provide the report to any relevant commission, board, or entity responsible for the evaluation and recommendation or approval of other economic incentives to assist in the redevelopment of the eligible project area. Tax credits authorized under this section shall constitute redevelopment tax credits, as such term is defined under section 135.800, and shall be subject to all provisions applicable to redevelopment tax credits provided under sections 135.800 to 135.830.

9. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.]

2 [103.175. The board shall study and report
3 to the general assembly, on or before December
4 15, 2003, on the feasibility of including in
5 this plan individuals who are employees of
6 eligible agencies which have not elected to join
7 the plan or who are retirees of school
districts.]

2 [103.178. 1. Beginning on a date
3 specified by the board of trustees of the
4 Missouri consolidated health care plan but not
5 later than July 1, 1995, the Missouri
6 consolidated health care plan established under
7 section 103.005 shall implement a pilot project
8 to make available to those residing in the pilot
9 project area who are covered by the plan an
10 alternative system of benefits for the treatment
11 of chemical dependency added to those benefits
12 regularly available to plan participants. The
13 benefits provided under the pilot project shall
14 be similar in scope and comprehensiveness, but
15 not limited to, the benefits provided for the
16 treatment and rehabilitation of persons who are
17 chemically dependent under the department of
18 mental health's comprehensive substance
19 treatment and rehabilitation program, popularly
20 described as the C-STAR program. Such a pilot
21 project shall operate for a period not to exceed
22 four years. To the extent that participation in
23 the pilot project incurs additional cost to a
24 person covered under the plan, participation
25 shall be voluntary. If no additional cost is
26 incurred, the alternative system of benefits may
27 be made in lieu of the regular benefits for the
services in the pilot project area.

28 2. The Missouri state employees'
29 retirement system or the Missouri health care
30 plan, as appropriate, shall in cooperation with
31 the department of mental health and the
32 department of commerce and insurance design the
33 pilot project so as to generate data to evaluate
34 the costs and benefits of providing coverage of
35 chemical dependency using an alternative set of
36 benefits as provided in this section. The

37 Missouri consolidated health care plan shall at
38 the completion of the pilot project submit to
39 the governor and the members of the general
40 assembly a report which describes the results of
41 the evaluation of this pilot project. As
42 authorized by appropriations made for that
43 purpose, the Missouri state employees'
44 retirement system or the Missouri consolidated
45 health care plan may contract with persons to
46 conduct an independent evaluation of the pilot
47 project established in this section.]

2 [135.276. As used in sections 135.276 to
135.283, the following terms mean:

3 (1) "Continuation of commercial
4 operations" shall be deemed to occur during the
5 first taxable year following the taxable year
6 during which the business entered into an
7 agreement with the department pursuant to
8 section 135.283 in order to receive the tax
9 exemption, tax credits and refundable credits
10 authorized by sections 135.276 to 135.283;

11 (2) "Department", the department of
12 economic development;

13 (3) "Director", the director of the
14 department of economic development;

15 (4) "Enterprise zone", an enterprise zone
16 created under section 135.210 that includes all
17 or part of a home rule city with more than
18 twenty-six thousand but less than twenty-seven
19 thousand inhabitants located in any county with
20 a charter form of government and with more than
21 one million inhabitants;

22 (5) "Facility", any building used as a
23 revenue-producing enterprise located within an
24 enterprise zone, including the land on which the
25 facility is located and all machinery,
26 equipment, and other real and depreciable
27 tangible personal property acquired for use at
28 and located at or within such facility and used
29 in connection with the operation of such
30 facility;

31 (6) "NAICS", the industrial classification
32 as such classifications are defined in the 1997

33 edition of the North American Industrial
34 Classification System Manual as prepared by the
35 Executive Office of the President, Office of
36 Management and Budget;

37 (7) "Retained business facility", a
38 facility in an enterprise zone operated by the
39 taxpayer which satisfies the following
40 requirements as determined by the department and
41 included in an agreement with the department:

42 (a) The taxpayer agrees to a capital
43 investment project at the facility of at least
44 five hundred million dollars to take place over
45 a period of two consecutive taxable years ending
46 no later than the fifth taxable year after
47 continuation of commercial operations;

48 (b) The taxpayer has maintained at least
49 two thousand employees per year at the facility
50 for each of the five taxable years preceding the
51 year of continuation of commercial operations;

52 (c) The taxpayer agrees to maintain at
53 least the level of employment that it had at the
54 facility in the taxable year immediately
55 preceding the year of continuation of commercial
56 operations for ten consecutive taxable years
57 beginning with the year of the continuation of
58 commercial operations. Temporary layoffs
59 necessary to implement the capital investment
60 project will not be considered a violation of
61 this requirement;

62 (d) The taxpayer agrees that the amount of
63 the average wage paid by the taxpayer at the
64 facility will exceed the average wage paid
65 within the county in which the facility is
66 located for ten consecutive taxable years
67 beginning with the year of the continuation of
68 commercial operations;

69 (e) Significant local incentives with
70 respect to the project or retained facility have
71 been committed, which incentives may consist of:

72 a. Cash or in-kind incentives derived from
73 any nonstate source, including incentives
74 provided by the affected political subdivisions,
75 private industry and/or local chambers of
76 commerce or similar such organizations; or

b. Relief from local taxes;

(f) Receipt of the tax exemption, tax credits, and refunds are major factors in the taxpayer's decision to retain its operations at the facility in Missouri and go forward with the capital investment project and not receiving the exemption, credits, and refunds will result in the taxpayer moving its operations out of Missouri; and

(g) There is at least one other state that the taxpayer verifies is being considered as the site to which the facility's operations will be relocated;

(8) "Retained business facility employee", a person employed by the taxpayer in the operation of a retained business facility during the taxable year for which the credit allowed by section 135.279 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute retained business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the retained business facility on a regular, full-time basis. The number of retained business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the retained business facility is in operation for less than the entire taxable year, the number of retained business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the retained business facility was in operation by the number of full calendar months during such period;

(9) "Retained business facility income", the Missouri taxable income, as defined in chapter 143, derived by the taxpayer from the operation of the retained business facility. If a taxpayer has income derived from the operation

of a retained business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the retained business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The "property factor" is a fraction, the numerator of which is the retained business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32;

(b) The "payroll factor" is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as retained business facility employees at the retained business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32;

(10) "Retained business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the retained business facility after the date of continuation of commercial operations, which is used by the taxpayer in the operation of the retained business facility, during the taxable year for which the credit allowed by section 135.279 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for

hire, track, switches, barges, bridges, tunnels, rail yards, and spurs shall not constitute retained business facility investments. The total value of such property during such taxable year shall be:

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

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

(11) "Revenue-producing enterprise", manufacturing activities classified as NAICS 336211.]

[135.277. The provisions of chapter 143 notwithstanding, one-half of the Missouri taxable income attributed to an approved retained business facility that is earned by a taxpayer operating the approved retained business facility may be exempt from taxation under chapter 143. That portion of income attributed to the retained business facility shall be determined in a manner prescribed in paragraph (b) of subdivision (9) of section 135.276, except that compensation paid to truck drivers, rail, or barge vehicle operators shall be excluded from the fraction.]

[135.279. 1. Any taxpayer that operates an approved retained business facility in an enterprise zone may be allowed a credit, each year for ten years, in an amount determined pursuant to subsection 2 or 3 of this section, whichever is applicable, against the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, as follows:

(1) The credit allowed for each retained business facility employee shall be four hundred dollars, except that for each retained business facility employee that exceeds the level of employment set forth in paragraph (b) of subdivision (7) of section 135.276, the credit shall be five hundred dollars. Transfers from another facility operated by the taxpayer in the state will not count as retained business facility employees;

(2) An additional credit of four hundred dollars shall be granted for each twelve-month period that a retained business facility employee is a resident of an enterprise zone;

(3) An additional credit of four hundred dollars shall be granted for each twelve-month period that the person employed as a retained business facility employee is a person who, at the time of such employment by the new business facility, met the criteria as set forth in section 135.240;

(4) To the extent that expenses incurred by a retained business facility in an enterprise zone for the training of persons employed in the operation of the retained business facility is not covered by an existing federal, state, or local program, such retained business facility shall be eligible for a full tax credit equal to eighty percent of that portion of such training expenses which are in excess of four hundred dollars for each trainee who is a resident of an enterprise zone or who was at the time of such employment at the retained business facility unemployable or difficult to employ as defined in section 135.240, provided such credit shall

not exceed four hundred dollars for each employee trained;

(5) The credit allowed for retained business facility investment shall be equal to the sum of ten percent of the first ten thousand dollars of such qualifying investment, plus five percent of the next ninety thousand dollars of such qualifying investment, plus two percent of all remaining qualifying investments within an enterprise zone. The taxpayer's retained business facility investment shall be reduced by the amount of investment made by the taxpayer or related taxpayer which was subsequently transferred to the retained business facility from another Missouri facility and for which credits authorized in this section are not being earned.

2. The credits allowed by subsection 1 of this section shall offset the greater of:

(1) Some portion of the income tax otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, with respect to such taxpayer's retained business facility income for the taxable year for which such credit is allowed; or

(2) If the taxpayer operates no other facility in Missouri, the credits allowed in subsection 1 of this section shall offset up to fifty percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, seventy-five percent of the business income tax otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, if the business operates no other facilities in Missouri;

(3) If the taxpayer operates more than one facility in Missouri, the credits allowed in subsection 1 of this section shall offset up to the greater of the portion prescribed in subdivision (1) of this subsection or twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-

89 five percent of the business' tax, except that
90 no taxpayer operating more than one facility in
91 Missouri shall be allowed to offset more than
92 twenty-five percent or, in the case of an
93 economic development project located within a
94 distressed community as defined in section
95 135.530, thirty-five percent of the taxpayer's
96 business income tax in any tax period under the
97 method prescribed in this subdivision.

98 3. In the case where a person employed by
99 the retained business facility is a resident of
100 the enterprise zone for less than a twelve-month
101 period, or in the case where a person employed
102 as a retained business facility employee is a
103 person who, at the time of such employment by
104 the retained business facility, met the criteria
105 as set forth in section 135.240, is employed for
106 less than a twelve-month period, the credits
107 allowed by subdivisions (2) and (3) of
108 subsection 1 of this section shall be determined
109 by multiplying the dollar amount of the credit
110 by a fraction, the numerator of which is the
111 number of calendar days during the taxpayer's
112 tax year for which such credits are claimed, in
113 which the person met the requirements prescribed
114 in subdivision (2) or (3) of this subsection,
115 and the denominator of which is three hundred
116 sixty-five.

117 4. Notwithstanding any provision of law to
118 the contrary, any taxpayer who claims the
119 exemption and credits allowed in sections
120 135.276 to 135.283 shall not be eligible to
121 receive the exemption allowed in section
122 135.220, the credits allowed in sections 135.225
123 and 135.235, and the refund authorized by
124 section 135.245 or the tax credits allowed in
125 section 135.110. The taxpayer must elect among
126 the options. To perfect the election, the
127 taxpayer shall attach written notification of
128 such election to the taxpayer's initial
129 application for claiming tax credits. The
130 election shall be irreversible once perfected.

131 5. A taxpayer shall not receive the income
132 exemption described in section 135.276 and the

133 tax credits described in subsection 1 of this
134 section for any year in which the terms and
135 conditions of sections 135.276 to 135.283 are
136 not met. Such incentives shall not exceed the
137 fifteen-year limitation pursuant to subsection 1
138 of section 135.230 or the seven-year limitation
139 pursuant to subsection 5 of section 135.230.

140 6. The initial application for claiming
141 tax credits must be made in the taxpayer's tax
142 period immediately following the tax period in
143 which commencement of commercial operations
144 began at the new business facility.

145 7. Credits may not be carried forward but
146 shall be claimed for the taxable year during
147 which continuation of commercial operations
148 occurs at such retained business facility, and
149 for each of the nine succeeding taxable years.]

2 [135.281. 1. Any taxpayer operating an
3 approved retained business facility that is
4 located within a state enterprise zone
5 established pursuant to sections 135.200 to
6 135.256 may make an application to the
7 department of economic development for an income
8 tax refund.

9 2. Such refunds shall be approved only if
10 the amount of tax credits certified for the
11 taxpayer in the taxable year exceeded the
12 company's total Missouri tax on taxable income
13 in that year by an amount equal to at least one
14 million dollars. In such cases, a portion of
15 tax credits earned shall constitute an
16 overpayment of taxes and may be refunded to the
17 taxpayer in the manner authorized by this
18 section.

19 3. The department shall evaluate and may
20 approve such applications based upon the
21 importance of the approved retained business
22 facility to the economy of Missouri, the
23 company's investment of at least five hundred
24 million dollars in facilities or equipment, and
25 the number of jobs to be created or retained.
26 Such applications may be approved annually for
no longer than five successive years. The

27 maximum amount of refund that may be awarded to
28 the manufacturer or assembler shall not exceed
29 two million dollars per year. Notwithstanding
30 other provisions of law to the contrary, if the
31 taxpayer's tax credits issued under sections
32 135.276 to 135.283 for a taxable year exceed the
33 taxpayer's taxable income by more than two
34 million dollars, the credits may be carried
35 forward for five years or until used, whichever
36 is earlier, and may be included in refund
37 amounts otherwise authorized by this section.]

2 [135.283. 1. A taxpayer shall apply to
3 the department for approval to participate in
4 the program authorized by sections 135.276 to
5 135.283. The application shall be in a form
6 prescribed by and contain all information
7 requested by the department to determine
8 eligibility for the program and for the
9 department to make its decision whether to
10 approve the taxpayer for participation in the
11 program.]

12 2. The department may issue an approval
13 contingent upon the successful execution of an
14 agreement between the department and the
15 taxpayer seeking approval of a facility as a
16 retained business facility which shall include,
17 but not be limited to, the following:

18 (1) A detailed description of the project
19 that is the subject of the agreement;

20 (2) A requirement that the taxpayer shall
21 annually report to the department the total
22 amount of salaries and wages paid to eligible
23 employees in retained business facility jobs,
24 and any other information the department
25 requires to confirm compliance with the
26 requirements of sections 135.276 to 135.283;

27 (3) A requirement that the taxpayer shall
28 provide written notification to the director not
29 more than thirty days after the taxpayer makes
30 or receives a proposal that would transfer the
31 taxpayer's state tax liability obligations to a
successor taxpayer;

32 (4) A requirement that the taxpayer shall
33 maintain operations at the facility location for
34 at least ten years at a certain employment level;

35 (5) The requirements otherwise required by
36 sections 135.276 to 135.283; and

37 (6) A provision for repayment of
38 incentives upon breach of the agreement.]

[135.313. 1. Any person, firm or
2 corporation who engages in the business of
3 producing charcoal or charcoal products in the
4 state of Missouri shall be eligible for a tax
5 credit on income taxes otherwise due pursuant to
6 chapter 143, except sections 143.191 to 143.261,
7 as an incentive to implement safe and efficient
8 environmental controls. The tax credit shall be
9 equal to fifty percent of the purchase price of
10 the best available control technology equipment
11 connected with the production of charcoal in the
12 state of Missouri or, if the taxpayer
13 manufactures such equipment, fifty percent of
14 the manufacturing cost of the equipment, to and
15 including the year the equipment is put into
16 service. The credit may be claimed for a period
17 of eight years beginning with the 1998 calendar
18 year and is to be a tax credit against the tax
19 otherwise due.

20 2. Any amount of credit which exceeds the
21 tax due shall not be refunded but may be carried
22 over to any subsequent taxable year, not to
23 exceed seven years.

24 3. The charcoal producer may elect to
25 assign to a third party the approved tax
26 credit. Certification of assignment and other
27 appropriate forms must be filed with the
28 Missouri department of revenue and the
29 department of economic development.

30 4. When applying for a tax credit, the
31 charcoal producer specified in subsection 1 of
32 this section shall make application for the
33 credit to the division of environmental quality
34 of the department of natural resources. The
35 application shall identify the specific best
36 available control technology equipment and the

37 purchase price, or manufacturing cost of such
38 equipment. The director of the department of
39 natural resources is authorized to require
40 permits to construct prior to the installation
41 of best available control technology equipment
42 and other information which he or she deems
43 appropriate.

44 5. The director of the department of
45 natural resources in conjunction with the
46 department of economic development shall certify
47 to the department of revenue that the best
48 available control technology equipment meets the
49 requirements to obtain a tax credit as specified
50 in this section.]

2 [135.545. A taxpayer shall be allowed a
3 credit for taxes paid pursuant to chapter 143,
4 147 or 148 in an amount equal to fifty percent
5 of a qualified investment in transportation
6 development for aviation, mass transportation,
7 including parking facilities for users of mass
8 transportation, railroads, ports, including
9 parking facilities and limited access roads
10 within ports, waterborne transportation, bicycle
11 and pedestrian paths, or rolling stock located
12 in a distressed community as defined in section
13 135.530, and which are part of a development
14 plan approved by the appropriate local agency.
15 If the department of economic development
16 determines the investment has been so approved,
17 the department shall grant the tax credit in
18 order of date received. A taxpayer may carry
19 forward any unused tax credit for up to ten
20 years and may carry it back for the previous
21 three years until such credit has been fully
22 claimed. Certificates of tax credit issued in
23 accordance with this section may be transferred,
24 sold or assigned by notarized endorsement which
25 names the transferee. The tax credits allowed
26 pursuant to this section shall be for an amount
27 of no more than ten million dollars for each
28 year. This credit shall apply to returns filed
29 for all taxable years beginning on or after
January 1, 1999. Any unused portion of the tax

30 credit authorized pursuant to this section shall
31 be available for use in the future by those
32 entities until fully claimed. For purposes of
33 this section, a "taxpayer" shall include any
34 charitable organization that is exempt from
35 federal income tax and whose Missouri unrelated
36 business taxable income, if any, would be
37 subject to the state income tax imposed under
38 chapter 143.]

[135.546. For all tax years beginning on
2 or after January 1, 2005, no tax credits shall
3 be approved, awarded, or issued to any person or
4 entity claiming any tax credit under section
5 135.545; if an organization has been allocated
6 credits for contribution-based credits prior to
7 January 1, 2005, the organization may issue such
8 credits prior to January 1, 2007, for qualified
9 contributions.]

[135.680. 1. As used in this section, the
2 following terms shall mean:

3 (1) "Adjusted purchase price", the product
4 of:

5 (a) The amount paid to the issuer of a
6 qualified equity investment for such qualified
7 equity investment; and

8 (b) The following fraction:

9 a. The numerator shall be the dollar
10 amount of qualified low-income community
11 investments held by the issuer in this state as
12 of the credit allowance date during the
13 applicable tax year; and

14 b. The denominator shall be the total
15 dollar amount of qualified low-income community
16 investments held by the issuer in all states as
17 of the credit allowance date during the
18 applicable tax year;

19 c. For purposes of calculating the amount
20 of qualified low-income community investments
21 held by an issuer, an investment shall be
22 considered held by an issuer even if the
23 investment has been sold or repaid; provided
24 that the issuer reinvests an amount equal to the
25 capital returned to or recovered by the issuer

from the original investment, exclusive of any profits realized, in another qualified low-income community investment within twelve months of the receipt of such capital. An issuer shall not be required to reinvest capital returned from qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income community investment shall be considered held by the issuer through the seventh anniversary of the qualified equity investment's issuance;

(2) "Applicable percentage", zero percent for each of the first two credit allowance dates, seven percent for the third credit allowance date, and eight percent for the next four credit allowance dates;

(3) "Credit allowance date", with respect to any qualified equity investment:

(a) The date on which such investment is initially made; and

(b) Each of the six anniversary dates of such date thereafter;

(4) "Long-term debt security", any debt instrument issued by a qualified community development entity, at par value or a premium, with an original maturity date of at least seven years from the date of its issuance, with no acceleration of repayment, amortization, or prepayment features prior to its original maturity date, and with no distribution, payment, or interest features related to the profitability of the qualified community development entity or the performance of the qualified community development entity's investment portfolio. The foregoing shall in no way limit the holder's ability to accelerate payments on the debt instrument in situations where the issuer has defaulted on covenants designed to ensure compliance with this section or Section 45D of the Internal Revenue Code of 1986, as amended;

(5) "Qualified active low-income community business", the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided that any business that derives or projects to derive fifteen percent or more of its annual revenue from the rental or sale of real estate shall not be considered to be a qualified active low-income community business;

(6) "Qualified community development entity", the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided that such entity has entered into an allocation agreement with the Community Development Financial Institutions Fund of the U.S. Treasury Department with respect to credits authorized by Section 45D of the Internal Revenue Code of 1986, as amended, which includes the state of Missouri within the service area set forth in such allocation agreement;

(7) "Qualified equity investment", any equity investment in, or long-term debt security issued by, a qualified community development entity that:

(a) Is acquired after September 4, 2007, at its original issuance solely in exchange for cash;

(b) Has at least eighty-five percent of its cash purchase price used by the issuer to make qualified low-income community investments; and

(c) Is designated by the issuer as a qualified equity investment under this subdivision and is certified by the department of economic development as not exceeding the limitation contained in subsection 2 of this section. This term shall include any qualified equity investment that does not meet the provisions of paragraph (a) of this subdivision if such investment was a qualified equity investment in the hands of a prior holder;

(8) "Qualified low-income community investment", any capital or equity investment in, or loan to, any qualified active low-income

community business. With respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments made in such business, on a collective basis with all of its affiliates, that may be used from the calculation of any numerator described in subparagraph a. of paragraph (b) of subdivision (1) of this subsection shall be ten million dollars whether issued to one or several qualified community development entities;

(9) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed in sections 143.191 to 143.265, or otherwise due under section 375.916 or chapter 147, 148, or 153;

(10) "Taxpayer", any individual or entity subject to the tax imposed in chapter 143, excluding withholding tax imposed in sections 143.191 to 143.265, or the tax imposed in section 375.916 or chapter 147, 148, or 153.

2. A taxpayer that makes a qualified equity investment earns a vested right to tax credits under this section. On each credit allowance date of such qualified equity investment the taxpayer, or subsequent holder of the qualified equity investment, shall be entitled to a tax credit during the taxable year including such credit allowance date. The tax credit amount shall be equal to the applicable percentage of the adjusted purchase price paid to the issuer of such qualified equity investment. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the tax credit is claimed. No tax credit claimed under this section shall be refundable or transferable. Tax credits earned by a partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or

shareholders. Any amount of tax credit that the taxpayer is prohibited by this section from claiming in a taxable year may be carried forward to any of the taxpayer's five subsequent taxable years. The department of economic development shall limit the monetary amount of qualified equity investments permitted under this section to a level necessary to limit tax credit utilization at no more than twenty-five million dollars of tax credits in any fiscal year. Such limitation on qualified equity investments shall be based on the anticipated utilization of credits without regard to the potential for taxpayers to carry forward tax credits to later tax years.

3. The issuer of the qualified equity investment shall certify to the department of economic development the anticipated dollar amount of such investments to be made in this state during the first twelve-month period following the initial credit allowance date. If on the second credit allowance date, the actual dollar amount of such investments is different than the amount estimated, the department of economic development shall adjust the credits arising on the second allowance date to account for such difference.

4. The department of economic development shall recapture the tax credit allowed under this section with respect to such qualified equity investment under this section if:

(1) Any amount of the federal tax credit available with respect to a qualified equity investment that is eligible for a tax credit under this section is recaptured under Section 45D of the Internal Revenue Code of 1986, as amended; or

(2) The issuer redeems or makes principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of such qualified equity investment. Any tax credit that is subject to recapture shall be recaptured from the taxpayer that claimed the tax credit on a return.

202 5. The department of economic development
203 shall promulgate rules to implement the
204 provisions of this section, including recapture
205 provisions on a scaled proportional basis, and
206 to administer the allocation of tax credits
207 issued for qualified equity investments, which
208 shall be conducted on a first-come, first-serve
209 basis. Any rule or portion of a rule, as that
210 term is defined in section 536.010, that is
211 created under the authority delegated in this
212 section shall become effective only if it
213 complies with and is subject to all of the
214 provisions of chapter 536 and, if applicable,
215 section 536.028. This section and chapter 536
216 are nonseverable and if any of the powers vested
217 with the general assembly pursuant to chapter
218 536 to review, to delay the effective date, or
219 to disapprove and annul a rule are subsequently
220 held unconstitutional, then the grant of
221 rulemaking authority and any rule proposed or
222 adopted after September 4, 2007, shall be
223 invalid and void.

224 6. For fiscal years following fiscal year
225 2010, qualified equity investments shall not be
226 made under this section unless reauthorization
227 is made pursuant to this subsection. For all
228 fiscal years following fiscal year 2010, unless
229 the general assembly adopts a concurrent
230 resolution granting authority to the department
231 of economic development to approve qualified
232 equity investments for the Missouri new markets
233 development program and clearly describing the
234 amount of tax credits available for the next
235 fiscal year, or otherwise complies with the
236 provisions of this subsection, no qualified
237 equity investments may be permitted to be made
238 under this section. The amount of available tax
239 credits contained in such a resolution shall not
240 exceed the limitation provided under subsection
241 2 of this section. In any year in which the
242 provisions of this section shall sunset pursuant
243 to subsection 7 of this section, reauthorization
244 shall be made by general law and not by
245 concurrent resolution. Nothing in this

subsection shall preclude a taxpayer who makes a qualified equity investment prior to the expiration of authority to make qualified equity investments from claiming tax credits relating to such qualified equity investment for each applicable credit allowance date.

7. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after September 4, 2007, unless reauthorized by an act of the general assembly; and

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

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. However, nothing in this subsection shall preclude a taxpayer who makes a qualified equity investment prior to sunset of this section under the provisions of section 23.253 from claiming tax credits relating to such qualified equity investment for each credit allowance date.]

[135.682. 1. The director of the department of economic development or the director's designee shall issue letter rulings regarding the tax credit program authorized under section 135.680, subject to the terms and conditions set forth in this section. The director of the department of economic development may impose additional terms and conditions consistent with this section to requests for letter rulings by regulation promulgated under chapter 536. For the purposes of this section, the term "letter ruling" means a written interpretation of law to a specific set of facts provided by the applicant requesting a letter ruling.

16 2. The director or director's designee
17 shall respond to a request for a letter ruling
18 within sixty days of receipt of such request.
19 The applicant may provide a draft letter ruling
20 for the department's consideration. The
21 applicant may withdraw the request for a letter
22 ruling, in writing, prior to the issuance of the
23 letter ruling. The director or the director's
24 designee may refuse to issue a letter ruling for
25 good cause, but must list the specific reasons
26 for refusing to issue the letter ruling. Good
27 cause includes, but is not limited to:

28 (1) The applicant requests the director to
29 determine whether a statute is constitutional or
30 a regulation is lawful;

31 (2) The request involves a hypothetical
32 situation or alternative plans;

33 (3) The facts or issues presented in the
34 request are unclear, overbroad, insufficient, or
35 otherwise inappropriate as a basis upon which to
36 issue a letter ruling; and

37 (4) The issue is currently being
38 considered in a rulemaking procedure, contested
39 case, or other agency or judicial proceeding
40 that may definitely resolve the issue.

41 3. Letter rulings shall bind the director
42 and the director's agents and their successors
43 until such time as the taxpayer or its
44 shareholders, members, or partners, as
45 applicable, claim all of such tax credits on a
46 Missouri tax return, subject to the terms and
47 conditions set forth in properly published
48 regulations. The letter ruling shall apply only
49 to the applicant.

50 4. Letter rulings issued under the
51 authority of this section shall not be a rule as
52 defined in section 536.010 in that it is an
53 interpretation issued by the department with
54 respect to a specific set of facts and intended
55 to apply only to that specific set of facts, and
56 therefore shall not be subject to the rulemaking
57 requirements of chapter 536.

58 5. Information in letter ruling requests
59 as described in section 620.014 shall be closed

60 to the public. Copies of letter rulings shall
61 be available to the public provided that the
62 applicant identifying information and otherwise
63 protected information is redacted from the
64 letter ruling as provided in subsection 1 of
65 section 610.024.]

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

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

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

13 (a) Ethanol;
14 (b) Natural gas;
15 (c) Compressed natural gas, or CNG;
16 (d) Liquefied natural gas, or LNG;
17 (e) Liquefied petroleum gas, or LP gas,
18 propane, or autogas;

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

21 (g) Hydrogen;

22 (3) "Department", the department of
23 economic development;

24 (4) "Electric vehicle recharging
25 property", property in this state owned by an
26 eligible applicant and used for recharging
27 electric motor vehicles owned by such eligible
28 applicant or private citizens;

29 (5) "Eligible applicant", a business
30 entity or private citizen that is the owner of
31 an electric vehicle recharging property or an
32 alternative fuel vehicle refueling property;

33 (6) "Qualified Missouri contractor", a
34 contractor whose principal place of business is
35 located in Missouri and has been located in
36 Missouri for a period of not less than five
37 years;

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

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

(b) Construction of such facility; and

(c) General maintenance of such facility during the time period in which such facility receives any tax credit under this section. If no qualified Missouri contractor is located within seventy-five miles of the property, the requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors shall not apply.

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

(1) Costs associated with the purchase of land upon which to place a qualified property;

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

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

83 3. Tax credits allowed by this section
84 shall be claimed by the eligible applicant at
85 the time such applicant files a return for the
86 tax year in which the storage and dispensing or
87 recharging facilities were placed in service at
88 a qualified property, and shall be applied
89 against the income tax liability imposed by
90 chapter 143, chapter 147, or chapter 148 after
91 all other credits provided by law have been
92 applied. The cumulative amount of tax credits
93 which may be claimed by eligible applicants
94 claiming all credits authorized in this section
95 shall not exceed one million dollars in any
96 calendar year, subject to appropriations.

97 4. If the amount of the tax credit exceeds
98 the eligible applicant's tax liability, the
99 difference shall not be refundable. Any amount
100 of credit that an eligible applicant is
101 prohibited by this section from claiming in a
102 taxable year may be carried forward to any of
103 such applicant's two subsequent taxable years.
104 Tax credits allowed under this section may be
105 assigned, transferred, sold, or otherwise
106 conveyed.

107 5. Any qualified property, for which an
108 eligible applicant receives tax credits under
109 this section, which ceases to sell alternative
110 fuel or recharge electric vehicles shall cause
111 the forfeiture of such eligible applicant's tax
112 credits provided under this section for the
113 taxable year in which the qualified property
114 ceased to sell alternative fuel or recharge
115 electric vehicles and for future taxable years
116 with no recapture of tax credits obtained by an
117 eligible applicant with respect to such
118 applicant's tax years which ended before the
119 sale of alternative fuel or recharging of
120 electric vehicles ceased.

121 6. The director of revenue shall establish
122 the procedure by which the tax credits in this
123 section may be claimed, and shall establish a
124 procedure by which the cumulative amount of tax

credits is apportioned equally among all eligible applicants claiming the credit. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to the cumulative amount of tax credits available for the taxable year. No eligible applicant claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax return after the date fixed for filing such return as a result of the apportionment procedure under this subsection.

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

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

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

(1) The provisions of the new program authorized under this section shall

169 automatically sunset three years after December
170 31, 2014, unless reauthorized by an act of the
171 general assembly; and

172 (2) If such program is reauthorized, the
173 program authorized under this section shall
174 automatically sunset six years after the
175 effective date of the reauthorization of this
176 section; and

177 (3) This section shall terminate on
178 December thirty-first of the calendar year
179 immediately following the calendar year in which
180 the program authorized under this section is
181 sunset; and

182 (4) The provisions of this subsection
183 shall not be construed to limit or in any way
184 impair the department's ability to redeem tax
185 credits authorized on or before the date the
186 program authorized under this section expires or
187 a taxpayer's ability to redeem such tax credits.]

2 [135.766. An eligible small business, as
3 defined in Section 44 of the Internal Revenue
4 Code, shall be allowed a credit against the tax
5 otherwise due pursuant to chapter 143, not
6 including sections 143.191 to 143.265, in an
7 amount equal to any amount paid by the eligible
8 small business to the United States Small
9 Business Administration as a guaranty fee
10 pursuant to obtaining Small Business
11 Administration guaranteed financing and to
12 programs administered by the United States
13 Department of Agriculture for rural development
14 or farm service agencies. No tax credits
15 provided under this section shall be authorized
16 on or after the thirtieth day following the
17 effective date of this act. The provisions of
18 this subsection shall not be construed to limit
19 or in any way impair the department's ability to
20 issue tax credits authorized prior to the
21 thirtieth day following the effective date of
22 this act, or a taxpayer's ability to redeem such
tax credits.]

2 [135.980. 1. As used in this section, the
following terms shall mean:

(1) "NAICS", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(2) "Public financial incentive", any economic or financial incentive offered including:

(a) Any tax reduction, credit, forgiveness, abatement, subsidy, or other tax-relieving measure;

(b) Any tax increment financing or similar financial arrangement;

(c) Any monetary or nonmonetary benefit related to any bond, loan, or similar financial arrangement;

(d) Any reduction, credit, forgiveness, abatement, subsidy, or other relief related to any bond, loan, or similar financial arrangement; and

(e) The ability to form, own, direct, or receive any economic or financial benefit from any special taxation district.

2. No city not within a county shall by ballot measure impose any restriction on any public financial incentive authorized by statute for a business with a NAICS code of 212111.

3. The provisions of this section shall expire on December 31, 2017.]

[136.450. 1. There is hereby established the "Study Commission on State Tax Policy" which shall be composed of the following members:

(1) The members of the joint committee on tax policy established in section 21.810;

(2) The state treasurer;

(3) The state budget director;

(4) The director of the department of revenue, but only if such person has been appointed by the governor with the advice and consent of the senate in accordance with Article IV, Section 51 of the Constitution of Missouri;

(5) Three individuals representing the needs and concerns of individual taxpayers in

15 this state, one of whom shall be appointed by
16 the lieutenant governor, one of whom shall be
17 appointed by the minority floor leader of the
18 house of representatives, and one of whom shall
19 be appointed by the minority floor leader of the
20 senate;

21 (6) A certified public accountant, who
22 shall be appointed by the lieutenant governor in
23 consultation with the Missouri Society of
24 Certified Public Accountants;

25 (7) An independent tax practitioner, who
26 shall be appointed by the lieutenant governor in
27 consultation with the Missouri Society of
28 Accountants;

29 (8) An individual with experience
30 operating a business with a headquarters in this
31 state and fewer than fifty employees, who shall
32 be appointed by the speaker of the house of
33 representatives;

34 (9) An individual with experience
35 operating a business with a headquarters in this
36 state and at least fifty employees, who shall be
37 appointed by the president pro tempore of the
38 senate;

39 (10) Two individuals with significant
40 experience in state and local taxation, public
41 or private budgeting and finance, or public
42 services delivery, one of whom shall be
43 appointed by the speaker of the house of
44 representatives in consultation with the
45 Missouri Association of Counties and the other
46 appointed by the president pro tempore of the
47 senate in consultation with Missouri Municipal
48 League; and

49 (11) A member of the Missouri Bar with
50 knowledge of the tax laws of this state,
51 including tax administration and compliance, who
52 shall be appointed by the board of governors of
53 the Missouri Bar.

54 2. Any vacancy on the commission shall be
55 filled in the same manner as the original
56 appointment. Any appointed member of the
57 commission shall serve at the pleasure of the
58 appointing authority. Commission members shall

59 serve without compensation but shall be entitled
60 to reimbursement for actual and necessary
61 expenses incurred in the performance of their
62 official duties.

63 3. The commission shall meet in the
64 capitol building within ten days after its
65 creation and organize by selecting a chair and
66 vice chair from its members. After its
67 organization, the commission shall adopt an
68 agenda establishing at least five hearing
69 dates. The hearings shall be held in different
70 geographic regions of the state and open to the
71 public. Additional meetings may be scheduled
72 and held as often as the chair deems advisable.
73 A majority of the members shall constitute a
74 quorum.

75 4. It shall be the duty of the commission:

76 (1) To make a complete, detailed review
77 and study of the tax structure of the state and
78 its political subdivisions, including tax
79 sources, the impact of taxes, collection
80 procedures, administrative regulations, and all
81 other factors pertinent to the fiscal operation
82 of the state;

83 (2) To identify the strengths and
84 weaknesses of state tax laws, and develop a
85 broad range of improvements that could be made
86 to modernize the tax system, maximize economic
87 development and growth, and maintain necessary
88 government services at an appropriate level;

89 (3) To investigate measures and methods to
90 simplify state tax law, improve tax compliance,
91 and reduce administrative costs; and

92 (4) To examine and study any other aspects
93 of state and local government which may be
94 related to the tax structure of the state.

95 5. In order to carry out its duties and
96 responsibilities under this section, the
97 commission shall have the authority to:

98 (1) Consult with public and private
99 universities and academies, public and private
100 organizations, and private citizens in the
101 performance of its duties;

(2) Within the limits of appropriations made for such purpose, employ consultants or others to assist the commission in its work, or contract with public and private entities for analysis and study of current or proposed changes to state and local tax policy; and

(3) Make reasonable requests for staff assistance from the research and appropriations staffs of the house of representatives and senate and the committee on legislative research, as well as the office of administration and the department of revenue.

6. All state agencies and political subdivisions of the state responsible for the administration of tax policies shall cooperate with and assist the commission in the performance of its duties and shall make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer.

7. The commission may issue interim reports as it deems fit, but it shall provide the governor and the general assembly with reports of its findings and recommendations for legal and administrative changes, along with any proposed legislation the commission recommends for adoption by the general assembly. A preliminary report shall be due by December 31, 2016. A final report shall be due December 31, 2017.

8. The commission shall cease all activities by January 1, 2018. This section shall expire August 28, 2018.]

[142.1000. 1. There is hereby created within the department of revenue the "Electric Vehicle Task Force" to consist of the following members:

(1) The director of the department of revenue, or his or her designee, who shall serve as chair;

8 (2) The chairman of the public service
9 commission, or his or her designee, who shall
10 serve as vice chair;

11 (3) The director of the department of
12 transportation, or his or her designee;

13 (4) One member of the senate committee
14 with jurisdiction over transportation matters,
15 to be appointed by the president pro tempore of
16 the senate;

17 (5) One member of the house of
18 representatives committee with jurisdiction over
19 transportation matters, to be appointed by the
20 speaker of the house of representatives;

21 (6) One member of the senate committee
22 with jurisdiction over transportation matters,
23 to be appointed by the minority floor leader of
24 the senate;

25 (7) One member of the house of
26 representatives committee with jurisdiction over
27 transportation matters, to be appointed by the
28 minority floor leader of the house of
29 representatives;

30 (8) One representative of the trucking or
31 heavy vehicle industry, to be appointed by the
32 president pro tempore of the senate;

33 (9) One representative of electric vehicle
34 manufacturers or dealers, to be appointed by the
35 speaker of the house of representatives;

36 (10) One representative of conventional
37 motor vehicle manufacturers or dealers, to be
38 appointed by the president pro tempore of the
39 senate;

40 (11) One representative of the petroleum
41 industry or convenience stores, to be appointed
42 by the speaker of the house of representatives;

43 (12) One representative of electric
44 vehicle charging station manufacturers or
45 operators, to be appointed by the president pro
46 tempore of the senate; and

47 (13) One representative of electric
48 utilities, to be appointed by the speaker of the
49 house of representatives.

50 2. The task force shall analyze the
51 following in the context of transportation

funding, and make recommendations as to any actions the state should take to fund transportation infrastructure in anticipation of more widespread adoption of electric vehicles:

(1) Removal or mitigation of barriers to electric vehicle charging, including strategies, such as time-of-use rates, to reduce operating costs for current and future electric vehicle owners without shifting costs to electric ratepayers who do not own or operate electric vehicles;

(2) Strategies for managing the impact of electric vehicles on, and services provided for electric vehicles by, the electricity transmission and distribution system;

(3) Electric system benefits and costs of electric vehicle charging, electric utility planning for electric vehicle charging, and rate design for electric vehicle charging;

(4) The appropriate role of electric utilities with regard to the deployment and operation of electric vehicle charging systems;

(5) How and on what terms, including quantity, pricing, and time of day, charging stations owned or operated by entities other than electric utilities will obtain electricity to provide to electric vehicles;

(6) What safety standards should apply to the charging of electric vehicles;

(7) The recommended scope of the jurisdiction of the public service commission, the department of revenue, and other state agencies over charging stations owned or operated by entities other than electric utilities;

(8) Whether charging stations owned or operated by entities other than electric utilities will be free to set the rates or prices at which they provide electricity to electric vehicles, and any other issues relevant to the appropriate oversight of the rates and prices charged by such stations, including transparency to the consumer of those rates and prices; and

96 (9) The recommended billing and complaint
97 procedures for charging stations;

98 (10) Options to address how electric
99 vehicle users pay toward the cost of maintaining
100 the state's transportation infrastructure,
101 including methods to assess the impact of
102 electric vehicles on that infrastructure and how
103 to calculate a charge based on that impact, the
104 potential assessment of a charge to electric
105 vehicles as a rate per kilowatt hour delivered
106 to an electric vehicle, varying such per-
107 kilowatt-hour charge by size and type of
108 electric vehicle, and phasing in such per-
109 kilowatt-hour charge;

110 (11) The accuracy of electric metering and
111 submetering technology for charging electric
112 vehicles;

113 (12) Strategies to encourage electric
114 vehicle usage without shifting costs to electric
115 ratepayers who do not own or charge electric
116 vehicles; and

117 (13) Any other issues the task force
118 considers relevant.

119 3. The department of revenue shall provide
120 such research, clerical, technical, and other
121 services as the task force may require in the
122 performance of its duties.

123 4. The task force may hold public meetings
124 at which it may invite testimony from experts,
125 or it may solicit information from any party it
126 deems may have information relevant to its
127 duties under this section.

128 5. No later than December 31, 2022, the
129 task force shall provide to the general assembly
130 and the governor a written report detailing its
131 findings and recommendations, including
132 identifying any recommendations that may require
133 enabling legislation.

134 6. Members shall serve on the task force
135 without compensation, but may, at the discretion
136 of the director of the department of revenue, be
137 reimbursed for actual and necessary expenses
138 incurred in the performance of their official
139 duties as members of the task force.

140 7. The task force shall expire on December
141 31, 2022.]

[143.173. 1. As used in this section, the
2 following terms mean:

3 (1) "County average wage", the average
4 wages in each county as determined by the
5 department of economic development for the most
6 recently completed full calendar year. However,
7 if the computed county average wage is above the
8 statewide average wage, the statewide average
9 wage shall be deemed the county average wage for
10 such county for the purpose of this section;

11 (2) "Deduction", an amount subtracted from
12 the taxpayer's Missouri adjusted gross income to
13 determine Missouri taxable income, or federal
14 taxable income in the case of a corporation, for
15 the tax year in which such deduction is claimed;

16 (3) "Full-time employee", a position in
17 which the employee is considered full-time by
18 the taxpayer and is required to work an average
19 of at least thirty-five hours per week for a
20 fifty-two week period;

21 (4) "New job", the number of full-time
22 employees employed by the small business in
23 Missouri on the qualifying date that exceeds the
24 number of full-time employees employed by the
25 small business in Missouri on the same date of
26 the immediately preceding taxable year;

27 (5) "Qualifying date", any date during the
28 tax year as chosen by the small business;

29 (6) "Small business", any small business,
30 including any sole proprietorship, partnership,
31 S-corporation, C-corporation, limited liability
32 company, limited liability partnership, or other
33 business entity, consisting of fewer than fifty
34 full- or part-time employees;

35 (7) "Taxpayer", any small business subject
36 to the income tax imposed in this chapter,
37 including any sole proprietorship, partnership,
38 S-corporation, C-corporation, limited liability
39 company, limited liability partnership, or other
40 business entity.

41 2. In addition to all deductions listed in
42 this chapter, for all taxable years beginning on
43 or after January 1, 2011, and ending on or
44 before December 31, 2014, a taxpayer shall be
45 allowed a deduction for each new job created by
46 the small business in the taxable year. Tax
47 deductions allowed to any partnership, limited
48 liability company, S-corporation, or other pass-
49 through entity may be allocated to the partners,
50 members, or shareholders of such entity for
51 their direct use in accordance with the
52 provisions of any agreement among such partners,
53 members, or shareholders. The deduction amount
54 shall be as follows:

55 (1) Ten thousand dollars for each new job
56 created with an annual salary of at least the
57 county average wage; or

58 (2) Twenty thousand dollars for each new
59 job created with an annual salary of at least
60 the county average wage if the small business
61 offers health insurance and pays at least fifty
62 percent of such insurance premiums.

63 3. The department of revenue shall
64 establish the procedure by which the deduction
65 provided in this section may be claimed, and may
66 promulgate rules to implement the provisions of
67 this section. Any rule or portion of a rule, as
68 that term is defined in section 536.010, that is
69 created under the authority delegated in this
70 section shall become effective only if it
71 complies with and is subject to all of the
72 provisions of chapter 536 and, if applicable,
73 section 536.028. This section and chapter 536
74 are nonseverable and if any of the powers vested
75 with the general assembly under chapter 536 to
76 review, to delay the effective date, or to
77 disapprove and annul a rule are subsequently
78 held unconstitutional, then the grant of
79 rulemaking authority and any rule proposed or
80 adopted after August 28, 2011, shall be invalid
81 and void.

82 4. Under section 23.253 of the Missouri
83 sunset act:

84 (1) The provisions of the new program
85 authorized under this section shall
86 automatically sunset on December thirty-first
87 three years after August 28, 2011, unless
88 reauthorized by an act of the general assembly;
89 and

90 (2) If such program is reauthorized, the
91 program authorized under this section shall
92 automatically sunset on December thirty-first
93 three years after the effective date of the
94 reauthorization of this section; and

95 (3) This section shall terminate on
96 September first of the calendar year immediately
97 following the calendar year in which the program
98 authorized under this section is sunset.]

 [143.732. 1. Notwithstanding any
2 provision of law to the contrary, no taxpayer
3 who has an individual tax liability under
4 chapter 143 for the tax year beginning January
5 1, 2018, and ending December 31, 2018, shall be
6 assessed any penalty before December 31, 2019,
7 for a delayed payment or underpayment on such
8 liability, provided that such taxpayer timely
9 files his or her individual income tax return
10 for such tax year and participates, in good
11 faith, in any payment plan authorized by the
12 department of revenue with respect to such
13 liability. Such taxpayer may nonetheless be
14 assessed interest on such liability under the
15 provisions of section 143.731 and any other
16 relevant provision of law, provided that no
17 interest on such liability shall be assessed
18 before May 15, 2019. If such taxpayer paid
19 interest or penalty on such liability under the
20 provisions of section 143.731 and any other
21 relevant provision of law before May 15, 2019,
22 he or she shall be entitled to a refund of such
23 interest or penalty, which shall be due no later
24 than December 31, 2019.

25 2. The department of revenue is authorized
26 to adopt such rules and regulations as are
27 reasonable and necessary to implement the
28 provisions of this section. Any rule or portion

of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 11, 2019, shall be invalid and void.

3. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2019; and

(2) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

[143.1008. 1. In each taxable year beginning on or after January 1, 2008, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the after-school retreat reading and assessment grant program fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the after-school retreat reading and assessment

grant program fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the after-school retreat reading and assessment grant program fund, the individual or corporation wishes to contribute. The department of revenue shall deposit such amount to the after-school retreat reading and assessment grant program fund as provided in subsection 2 of this section.

2. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the after-school retreat reading and assessment grant program fund. The fund shall be administered by the department of elementary and secondary education with moneys in the fund distributed as provided under section 167.680.

3. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the cost of collection, handling, and administration by the department of revenue during fiscal year 2008, to the after-school retreat reading and assessment grant program fund.

4. A contribution designated under this section shall only be deposited in the after-school retreat reading and assessment grant program fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Moneys deposited in the after-school retreat reading and assessment grant program fund shall be distributed by the department of elementary and secondary education in accordance with the provisions of this section and section 167.680.

6. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

64 7. Pursuant to section 23.253 of the
65 Missouri sunset act:

66 (1) The provisions of the new program
67 authorized under this section shall
68 automatically sunset six years after August 28,
69 2007, unless reauthorized by an act of the
70 general assembly; and

71 (2) If such program is reauthorized, the
72 program authorized under this section shall
73 automatically sunset twelve years after the
74 effective date of the reauthorization of this
75 section; and

76 (3) This section shall terminate on
77 December thirty-first of the calendar year
78 immediately following the calendar year in which
79 the program authorized under this section is
80 sunset.]

 [143.1009. 1. In each taxable year
2 beginning on or after January 1, 2008, each
3 individual or corporation entitled to a tax
4 refund in an amount sufficient to make a
5 designation under this section may designate
6 that one dollar or any amount in excess of one
7 dollar on a single return, and two dollars or
8 any amount in excess of two dollars on a
9 combined return, of the refund due be credited
10 to the breast cancer awareness trust fund,
11 hereinafter referred to as the trust fund. If
12 any individual or corporation that is not
13 entitled to a tax refund in an amount sufficient
14 to make a designation under this section wishes
15 to make a contribution to the trust fund, such
16 individual or corporation may, by separate
17 check, draft, or other negotiable instrument,
18 send in with the payment of taxes, or may send
19 in separately, that amount, clearly designated
20 for the breast cancer awareness trust fund, the
21 individual or corporation wishes to contribute.
22 The department of revenue shall deposit such
23 amount to the trust fund as provided in
24 subsections 2 and 3 of this section. All moneys
25 credited to the trust fund shall be considered

26 nonstate funds under the provisions of Article
27 IV, Section 15 of the Missouri Constitution.

28 2. The director of revenue shall deposit
29 at least monthly all contributions designated by
30 individuals under this section to the state
31 treasurer for deposit to the trust fund.

32 3. The director of revenue shall deposit
33 at least monthly all contributions designated by
34 the corporations under this section, less an
35 amount sufficient to cover the costs of
36 collection and handling by the department of
37 revenue, to the state treasury for deposit to
38 the trust fund.

39 4. A contribution designated under this
40 section shall only be deposited in the trust
41 fund after all other claims against the refund
42 from which such contribution is to be made have
43 been satisfied.

44 5. All moneys transferred to the trust
45 fund shall be distributed by the director of
46 revenue at times the director deems appropriate
47 to the department of health and senior
48 services. Such funds shall be used solely for
49 the purpose of providing breast cancer
50 services. Notwithstanding the provisions of
51 section 33.080 to the contrary, moneys in the
52 trust fund at the end of any biennium shall not
53 be transferred to the credit of the general
54 revenue fund.

55 6. There is hereby created in the state
56 treasury the "Breast Cancer Awareness Trust
57 Fund", which shall consist of money collected
58 under this section. The state treasurer shall
59 be custodian of the fund. In accordance with
60 sections 30.170 and 30.180, the state treasurer
61 may approve disbursements.

62 7. Under section 23.253 of the Missouri
63 sunset act:

64 (1) The provisions of the new program
65 authorized under this section shall
66 automatically sunset six years after August 28,
67 2008, unless reauthorized by an act of the
68 general assembly; and

69 (2) If such program is reauthorized, the
70 program authorized under this section shall
71 automatically sunset twelve years after the
72 effective date of the reauthorization of this
73 section; and

74 (3) This section shall terminate on
75 December thirty-first of the calendar year
76 immediately following the calendar year in which
77 the program authorized under this section is
78 sunset.]

 [143.1013. 1. For all taxable years
2 beginning on or after January 1, 2011, each
3 individual or corporation entitled to a tax
4 refund in an amount sufficient to make a
5 designation under this section may designate
6 that one dollar or any amount in excess of one
7 dollar on a single return, and two dollars or
8 any amount in excess of two dollars on a
9 combined return, of the refund due be credited
10 to the American Red Cross trust fund. If any
11 individual or corporation that is not entitled
12 to a tax refund in an amount sufficient to make
13 a designation under this section wishes to make
14 a contribution to the fund, such individual or
15 corporation may, by separate check, draft, or
16 other negotiable instrument, send in with the
17 payment of taxes, or may send in separately,
18 that amount the individual or corporation wishes
19 to contribute. Such amounts shall be clearly
20 designated for the fund.

21 2. There is hereby created in the state
22 treasury the "American Red Cross Trust Fund",
23 which shall consist of money collected under
24 this section. The state treasurer shall be
25 custodian of the fund. In accordance with
26 sections 30.170 and 30.180, the state treasurer
27 may approve disbursements. The fund shall be a
28 dedicated fund and, upon appropriation, money in
29 the fund shall be used solely for the
30 administration of this section. Notwithstanding
31 the provisions of section 33.080 to the
32 contrary, any moneys remaining in the fund at
33 the end of the biennium shall not revert to the

34 credit of the general revenue fund. The state
35 treasurer shall invest moneys in the fund in the
36 same manner as other funds are invested. Any
37 interest and moneys earned on such investments
38 shall be credited to the fund. All moneys
39 credited to the trust fund shall be considered
40 nonstate funds under Section 15, Article IV,
41 Constitution of Missouri. The treasurer shall
42 distribute all moneys deposited in the fund at
43 times the treasurer deems appropriate to the
44 American Red Cross.

45 3. The director of revenue shall deposit
46 at least monthly all contributions designated by
47 individuals under this section to the state
48 treasurer for deposit to the fund. The director
49 of revenue shall deposit at least monthly all
50 contributions designated by the corporations
51 under this section, less an amount sufficient to
52 cover the costs of collection and handling by
53 the department of revenue, to the state treasury
54 for deposit to the fund. A contribution
55 designated under this section shall only be
56 deposited in the fund after all other claims
57 against the refund from which such contribution
58 is to be made have been satisfied.

59 4. Under section 23.253 of the Missouri
60 sunset act:

61 (1) The provisions of the new program
62 authorized under this section shall
63 automatically sunset on December thirty-first
64 six years after August 28, 2011, unless
65 reauthorized by an act of the general assembly;
66 and

67 (2) If such program is reauthorized, the
68 program authorized under this section shall
69 automatically sunset on December thirty-first
70 twelve years after the effective date of the
71 reauthorization of this section; and

72 (3) This section shall terminate on
73 September first of the calendar year immediately
74 following the calendar year in which the program
75 authorized under this section is sunset.]

[143.1014. 1. For all taxable years beginning on or after January 1, 2011, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the puppy protection trust fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount the individual or corporation wishes to contribute. Such amounts shall be clearly designated for the fund.

2. There is hereby created in the state treasury the "Puppy Protection Trust Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the state department of agriculture's administration of section 273.345. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. All moneys credited to the trust fund shall be considered nonstate funds under Section 15, Article IV, Constitution of Missouri. The treasurer shall distribute all moneys deposited in the fund at times the treasurer deems appropriate to the department of agriculture.

45 3. The director of revenue shall deposit
46 at least monthly all contributions designated by
47 individuals under this section to the state
48 treasurer for deposit to the fund. The director
49 of revenue shall deposit at least monthly all
50 contributions designated by the corporations
51 under this section, less an amount sufficient to
52 cover the costs of collection and handling by
53 the department of revenue, to the state treasury
54 for deposit to the fund. A contribution
55 designated under this section shall only be
56 deposited in the fund after all other claims
57 against the refund from which such contribution
58 is to be made have been satisfied.

59 4. Under section 23.253 of the Missouri
60 sunset act:

61 (1) The provisions of the new program
62 authorized under this section shall
63 automatically sunset on December thirty-first
64 six years after August 28, 2011, unless
65 reauthorized by an act of the general assembly;
66 and

67 (2) If such program is reauthorized, the
68 program authorized under this section shall
69 automatically sunset on December thirty-first
70 twelve years after the effective date of the
71 reauthorization of this section; and

72 (3) This section shall terminate on
73 September first of the calendar year immediately
74 following the calendar year in which the program
75 authorized under this section is sunset.]

 [143.1017. 1. For all taxable years
2 beginning on or after January 1, 2011, each
3 individual or corporation entitled to a tax
4 refund in an amount sufficient to make a
5 designation under this section may designate
6 that one dollar or any amount in excess of one
7 dollar on a single return, and two dollars or
8 any amount in excess of two dollars on a
9 combined return, of the refund due be credited
10 to the developmental disabilities waiting list
11 equity trust fund. If any individual or
12 corporation that is not entitled to a tax refund

13 in an amount sufficient to make a designation
14 under this section wishes to make a contribution
15 to the fund, such individual or corporation may,
16 by separate check, draft, or other negotiable
17 instrument, send in with the payment of taxes,
18 or may send in separately, that amount the
19 individual or corporation wishes to contribute.
20 Such amounts shall be clearly designated for the
21 fund.

22 2. There is hereby created in the state
23 treasury the "Developmental Disabilities Waiting
24 List Equity Trust Fund", which shall consist of
25 money collected under this section. The state
26 treasurer shall be custodian of the fund. In
27 accordance with sections 30.170 and 30.180, the
28 state treasurer may approve disbursements. The
29 fund shall be a dedicated fund and, upon
30 appropriation, money in the fund shall be used
31 solely for the administration of this section
32 and for providing community services and support
33 to people with developmental disabilities and
34 such person's families who are on the
35 developmental disabilities waiting list and are
36 eligible for but not receiving services.
37 Notwithstanding the provisions of section 33.080
38 to the contrary, any moneys remaining in the
39 fund at the end of the biennium shall not revert
40 to the credit of the general revenue fund. The
41 state treasurer shall invest moneys in the fund
42 in the same manner as other funds are invested.
43 Any interest and moneys earned on such
44 investments shall be credited to the fund. All
45 moneys credited to the trust fund shall be
46 considered nonstate funds under Section 15,
47 Article IV, Constitution of Missouri. The
48 treasurer shall distribute all moneys deposited
49 in the fund at times the treasurer deems
50 appropriate to the department of mental health.
51 The moneys in the developmental disabilities
52 waiting list equity trust fund established in
53 this subsection shall not be appropriated in
54 lieu of general state revenues.

55 3. The director of revenue shall deposit
56 at least monthly all contributions designated by

57 individuals under this section to the state
58 treasurer for deposit to the fund. The director
59 of revenue shall deposit at least monthly all
60 contributions designated by the corporations
61 under this section, less an amount sufficient to
62 cover the costs of collection and handling by
63 the department of revenue, to the state treasury
64 for deposit to the fund. A contribution
65 designated under this section shall only be
66 deposited in the fund after all other claims
67 against the refund from which such contribution
68 is to be made have been satisfied.

69 4. Under section 23.253 of the Missouri
70 sunset act:

71 (1) The provisions of the new program
72 authorized under this section shall
73 automatically sunset on December thirty-first
74 six years after August 28, 2011, unless
75 reauthorized by an act of the general assembly;
76 and

77 (2) If such program is reauthorized, the
78 program authorized under this section shall
79 automatically sunset on December thirty-first
80 twelve years after the effective date of the
81 reauthorization of this section; and

82 (3) This section shall terminate on
83 September first of the calendar year immediately
84 following the calendar year in which the program
85 authorized under this section is sunset.]

[143.1027. 1. For all taxable years
2 beginning on or after January 1, 2014, each
3 individual or corporation entitled to a tax
4 refund in an amount sufficient to make a
5 designation under this section may designate
6 that one dollar or any amount in excess of one
7 dollar on a single return, and two dollars or
8 any amount in excess of two dollars on a
9 combined return, of the refund due be credited
10 to the Missouri National Guard Foundation fund.
11 If any individual or corporation that is not
12 entitled to a tax refund in an amount sufficient
13 to make a designation under this section wishes
14 to make a contribution to the fund, such

15 individual or corporation may, by separate
16 check, draft, or other negotiable instrument,
17 send in with the payment of taxes, or may send
18 in separately, that amount the individual or
19 corporation wishes to contribute. Such amounts
20 shall be clearly designated for the fund.

21 2. There is hereby created in the state
22 treasury the "Missouri National Guard Foundation
23 Fund", which shall consist of money collected
24 under this section. The state treasurer shall
25 be custodian of the fund. In accordance with
26 sections 30.170 and 30.180, the state treasurer
27 may approve disbursements. The fund shall be a
28 dedicated fund and, upon appropriation, money in
29 the fund shall be used solely for the
30 administration of this section. Notwithstanding
31 the provisions of section 33.080 to the
32 contrary, any moneys remaining in the fund at
33 the end of the biennium shall not revert to the
34 credit of the general revenue fund. The state
35 treasurer shall invest moneys in the fund in the
36 same manner as other funds are invested. Any
37 interest and moneys earned on such investments
38 shall be credited to the fund. The treasurer
39 shall distribute all moneys deposited in the
40 fund at least monthly to the Missouri National
41 Guard Foundation.

42 3. The director of revenue shall deposit
43 at least monthly all contributions designated by
44 individuals under this section to the state
45 treasurer for deposit to the fund. The director
46 of revenue shall deposit at least monthly all
47 contributions designated by the corporations
48 under this section, less an amount sufficient to
49 cover the costs of collection and handling by
50 the department of revenue, to the state treasury
51 for deposit to the fund. A contribution
52 designated under this section shall only be
53 deposited in the fund after all other claims
54 against the refund from which such contribution
55 is to be made have been satisfied.

56 4. Under section 23.253 of the Missouri
57 sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after August 28, 2014, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

[143.1100. 1. This section shall be known and may be cited as the "Bring Jobs Home Act".

2. As used in this section, the following terms shall mean:

(1) "Business unit":

(a) Any trade or business; and

(b) Any line of business or function unit which is part of any trade or business;

(2) "Deduction":

(a) For individuals, an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed; and

(b) For corporations, an amount subtracted from the taxpayer's federal taxable income to determine Missouri taxable income for the tax year in which such deduction is claimed;

(3) "Department", the department of economic development;

(4) "Eligible expenses":

(a) Any amount for which a deduction is allowed to the taxpayer under Section 162 of the Internal Revenue Code of 1986, as amended; and

(b) Permit and license fees, lease brokerage fees, equipment installation costs, and other similar expenses;

(5) "Eligible insourcing expenses":

(a) Eligible expenses paid or incurred by the taxpayer in connection with the elimination of any business unit of the taxpayer or of any member of any expanded affiliated group in which the taxpayer is also a member located outside the state of Missouri; and

(b) Eligible expenses paid or incurred by the taxpayer in connection with the establishment of any business unit of the taxpayer or of any member of any expanded affiliated group in which the taxpayer is also a member located within the state of Missouri if such establishment constitutes the relocation of the business unit so eliminated.

For purposes of this subdivision, expenses shall be eligible if such elimination of the business unit in another state or country occurs in a different taxable year from the establishment of the business unit in Missouri;

(6) "Expanded affiliated group", an affiliated group as defined under Section 1504(a) of the Internal Revenue Code of 1986, as amended, except to be determined without regard to Section 1504(b)(3) of the Internal Revenue Code of 1986, as amended, and determined by substituting "at least eighty percent" with "more than fifty percent" each place the phrase appears under Section 1504(a) of the Internal Revenue Code of 1986, as amended. A partnership or any other entity other than a corporation shall be treated as a member of an expanded affiliated group if such entity is controlled by members of such group including any entity treated as a member of such group by reason of this subdivision;

(7) "Full-time equivalent employee", a number of employees equal to the number determined by dividing the total number of hours of service for which wages were paid by the employer to employees during the taxable year, by two thousand eighty;

(8) "Insourcing plan", a written plan to carry out the establishment of a business unit in Missouri;

(9) "Taxpayer", any individual, firm, partner in a firm, corporation, partnership, shareholder in an S corporation, or member of a limited liability company subject to the income tax imposed under this chapter, excluding withholding tax imposed under sections 143.191 to 143.265.

3. For all taxable years beginning on or after January 1, 2016, a taxpayer shall be allowed a deduction equal to fifty percent of the taxpayer's eligible insourcing expenses in the taxable year chosen under subsection 5 of this section. The amount of the deduction claimed shall not exceed the amount of:

(1) For individuals, the taxpayer's Missouri adjusted gross income for the taxable year the deduction is claimed; and

(2) For corporations, the taxpayer's Missouri taxable income for the taxable year the deduction is claimed.

However, any amount of the deduction that cannot be claimed in the taxable year may be carried over to the next five succeeding taxable years until the full deduction has been claimed.

4. No deduction shall be allowed under this section until the department determines that the number of full-time equivalent employees of the taxpayer in the taxable year the deduction is claimed exceeds the number of full-time equivalent employees of the taxpayer in the taxable year prior to the taxpayer incurring any eligible insourcing expenses.

5. Only eligible insourcing expenses that occur in the taxable year such expenses are paid or incurred and:

(1) The taxpayer's insourcing plan is completed; or

(2) The first taxable year after the taxpayer's insourcing plan is completed; shall be used to calculate the deduction allowed under this section.

6. Notwithstanding any other provision of law to the contrary, no deduction shall be allowed for any expenses incurred due to

dissolving a business unit in Missouri and
relocating such business unit to another state.

7. The total amount of deductions
authorized under this section shall not exceed
five million dollars in any taxable year. In
the event that more than five million dollars in
deductions are claimed in a taxable year,
deductions shall be issued on a first-come,
first-served filing basis.

8. A taxpayer who receives a deduction
under the provisions of this section shall be
ineligible to receive incentives under the
provisions of any other state tax deduction
program for the same expenses incurred.

9. Any taxpayer allowed a deduction under
this section who, within ten years of receiving
such deduction, eliminates the business unit for
which the deduction was allowed shall repay the
amount of tax savings realized from the
deduction to the state, prorated by the number
of years the business unit was in this state.

10. The department of economic development
and the department of revenue shall promulgate
rules to implement the provisions of this
section. Any rule or portion of a rule, as that
term is defined in section 536.010, that is
created under the authority delegated in this
section shall become effective only if it
complies with and is subject to all of the
provisions of chapter 536 and, if applicable,
section 536.028. This section and chapter 536
are nonseverable and if any of the powers vested
with the general assembly pursuant to chapter
536 to review, to delay the effective date, or
to disapprove and annul a rule are subsequently
held unconstitutional, then the grant of
rulemaking authority and any rule proposed or
adopted after August 28, 2016, shall be invalid
and void.

11. Under section 23.253:

(1) The provisions of the new program
authorized under this section shall
automatically sunset six years after August 28,

2016, unless reauthorized by an act of the
general assembly; and

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

(3) This section shall terminate on
September first of the calendar year immediately
following the calendar year in which the program
authorized under this section is sunset.]

[161.825. 1. This section shall be known
and may be cited as "Bryce's Law".

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

(1) "Autism spectrum disorder", pervasive
developmental disorder; Asperger syndrome;
childhood disintegrative disorder; Rett
syndrome; and autism;

(2) "Contribution", a donation of cash,
stock, bonds, or other marketable securities, or
real property;

(3) "Department", the department of
elementary and secondary education;

(4) "Director", the commissioner of
education;

(5) "Dyslexia therapy", an appropriate
specialized dyslexia instructional program that
is systematic, multisensory, and research-based
offered in a small group setting to teach
students the components of reading instruction
including but not limited to phonemic awareness,
graphophonemic knowledge, morphology, semantics,
syntax, and pragmatics, instruction on
linguistic proficiency and fluency with patterns
of language so that words and sentences are
carriers of meaning, and strategies that
students use for decoding, encoding, word
recognition, fluency and comprehension delivered
by qualified personnel;

(6) "Educational scholarships", grants to
students or children to cover all or part of the
tuition and fees at a qualified nonpublic

33 school, a qualified public school, or a
34 qualified service provider, including
35 transportation;

36 (7) "Eligible child", any child from birth
37 to age five living in Missouri who has an
38 individualized family services program under the
39 first steps program, sections 160.900 to
40 160.933, and whose parent or guardian has
41 completed the complaint procedure under the
42 Individuals with Disabilities Education Act,
43 Part C, and has received an unsatisfactory
44 response; or any child from birth to age five
45 who has been evaluated for qualifying needs as
46 defined in this section by a person qualified to
47 perform evaluations under the first steps
48 program and has been determined to have a
49 qualifying need but who falls below the
50 threshold for eligibility by no less than twenty-
51 five percent;

52 (8) "Eligible student", any elementary or
53 secondary student who attended public school in
54 Missouri the preceding semester, or who will be
55 attending school in Missouri for the first time,
56 who has an individualized education program
57 based on a qualifying needs condition or who has
58 a medical or clinical diagnosis by a qualified
59 health professional of a qualifying needs
60 condition which in the case of dyslexia, may be
61 based on the C-TOPP assessment as an initial
62 indicator of dyslexia and confirmed by further
63 medical or clinical diagnosis;

64 (9) "Parent", includes a guardian,
65 custodian, or other person with authority to act
66 on behalf of the student or child;

67 (10) "Program", the program established in
68 this section;

69 (11) "Qualified health professional", a
70 person licensed under chapter 334 or 337 who
71 possesses credentials as described in rules
72 promulgated jointly by the department of
73 elementary and secondary education and the
74 department of mental health to make a diagnosis
75 of a student's qualifying needs for this program;

(12) "Qualified school", either an accredited public elementary or secondary school in a district that is accredited without provision outside of the district in which a student resides or an accredited nonpublic elementary or secondary school in Missouri that complies with all of the requirements of the program and complies with all state laws that apply to nonpublic schools regarding criminal background checks for employees and excludes from employment any person not permitted by state law to work in a nonpublic school;

(13) "Qualified service provider", a person or agency authorized by the department to provide services under the first steps program, sections 160.900 to 160.933, and in the case of a provider offering dyslexia therapy, the term also includes a person with national certification as an academic language therapist;

(14) "Qualifying needs", an autism spectrum disorder, Down Syndrome, Angelman Syndrome, cerebral palsy, or dyslexia;

(15) "Scholarship granting organization", a charitable organization that:

(a) Is exempt from federal income tax;

(b) Complies with the requirements of this program;

(c) Provides education scholarships to students attending qualified schools of their parents' choice or to children receiving services from qualified service providers; and

(d) Does not accept contributions on behalf of any eligible student or eligible child from any donor with any obligation to provide any support for the eligible student or eligible child.

3. The department of elementary and secondary education shall develop a master list of resources available to the parents of children with an autism spectrum disorder or dyslexia and shall maintain a web page for the information. The department shall also actively seek financial resources in the form of grants and donations that may be devoted to scholarship

funds or to clinical trials for behavioral interventions that may be undertaken by qualified service providers. The department may contract out or delegate these duties to a nonprofit organization. Priority in referral for funding shall be given to children who have not yet entered elementary school.

4. The director shall determine, at least annually, which organizations in this state may be classified as scholarship granting organizations. The director may require of an organization seeking to be classified as a scholarship granting organization whatever information that is reasonably necessary to make such a determination. The director shall classify an organization as a scholarship granting organization if such organization meets the definition set forth in this section.

5. The director shall establish a procedure by which a donor can determine if an organization has been classified as a scholarship granting organization. Scholarship granting organizations shall be permitted to decline a contribution from a donor.

6. Each scholarship granting organization shall provide information to the director concerning the identity of each donor making a contribution to the scholarship granting organization.

7. (1) The director shall annually make a determination on the number of students in Missouri with an individualized education program based upon qualifying needs as defined in this section. The director shall use ten percent of this number to determine the maximum number of students to receive scholarships from a scholarship granting organization in that year for students with qualifying needs who have at the time of application an individualized education program, plus a number calculated by the director by applying the state's latest available autism, cerebral palsy, Down Syndrome, Angelman Syndrome, and dyslexia incidence rates to the state's population of children from age

164 five to nineteen who are not enrolled in public
165 schools and taking ten percent of that number.
166 The total of these two calculations shall
167 constitute the maximum number of scholarships
168 available to students.

169 (2) The director shall also annually make
170 a determination on the number of children in
171 Missouri whose parent or guardian has enrolled
172 the child in first steps, received an
173 individualized family services program based on
174 qualifying needs, and filed a complaint through
175 the Individuals with Disabilities Education Act,
176 Part C, and received an unsatisfactory
177 response. In addition to this number, the
178 director shall apply the latest available
179 autism, cerebral palsy, Down Syndrome, Angelman
180 Syndrome, and dyslexia incidence rates to the
181 latest available census information for children
182 from birth to age five and determine ten percent
183 of that number for the maximum number of
184 scholarships for children.

185 (3) The director shall publicly announce
186 the number of each category of scholarship
187 opportunities available each year. Once a
188 scholarship granting organization has decided to
189 provide a student or child with a scholarship,
190 it shall promptly notify the director. The
191 director shall keep a running tally of the
192 number of scholarships granted in the order in
193 which they were reported. Once the tally
194 reaches the annual limit of scholarships for
195 eligible students or children, the director
196 shall notify all of the participating
197 scholarship granting organizations that they
198 shall not issue any more scholarships and any
199 more receipts for contributions. If the
200 scholarship granting organizations have not
201 expended all of their available scholarship
202 funds in that year at the time when the limit is
203 reached, the available scholarship funds may be
204 carried over into the next year. These
205 unexpended funds shall not be counted as part of
206 the requirement in subdivision (3) of subsection
207 8 of this section for that year. Any receipt

for a scholarship contribution issued by a scholarship granting organization before the director has publicly announced the student or child limit has been reached shall be valid. Beginning with school year 2016-17, the director may adjust the allocation of the proportion of scholarships using information on unmet need and use patterns from the previous school years. The director shall provide notice of the change to the state board of education for its approval.

8. Each scholarship granting organization participating in the program shall:

(1) Notify the department of its intent to provide educational scholarships to students attending qualified schools or children receiving services from qualified service providers;

(2) Provide a department-approved receipt to donors for contributions made to the organization;

(3) Ensure that at least ninety percent of its revenue from donations is spent on educational scholarships, and that all revenue from interest or investments is spent on educational scholarships;

(4) Ensure that the scholarships provided do not exceed an average of twenty thousand dollars per eligible child or fifty thousand dollars per eligible student;

(5) Inform the parent or guardian of the student or child applying for a scholarship that accepting the scholarship is tantamount to a parentally placed private school student pursuant to 34 CFR 300.130 and, thus, neither the department nor any Missouri public school is responsible to provide the student with a free appropriate public education pursuant to the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973;

(6) Distribute periodic scholarship payments as checks made out to a student's or child's parent and mailed to the qualified school where the student is enrolled or qualified service provider used by the child.

The parent or guardian shall endorse the check before it can be deposited;

(7) Cooperate with the department to conduct criminal background checks on all of its employees and board members and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds;

(8) Ensure that scholarships are portable during the school year and can be used at any qualified school that accepts the eligible student or at a different qualified service provider for an eligible child according to a parent's wishes. If a student moves to a new qualified school during a school year or to a different qualified service provider for an eligible child, the scholarship amount may be prorated;

(9) Demonstrate its financial accountability by:

(a) Submitting a financial information report for the organization that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant; and

(b) Having the auditor certify that the report is free of material misstatements;

(10) Demonstrate its financial viability, if the organization is to receive donations of fifty thousand dollars or more during the school year, by filing with the department before the start of the school year:

(a) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(b) Financial information that demonstrates the financial viability of the scholarship granting organization.

9. Each scholarship granting organization shall ensure that each participating school or service provider that accepts its scholarship students or children shall:

(1) Comply with all health and safety laws or codes that apply to nonpublic schools or service providers;

(2) Hold a valid occupancy permit if required by its municipality;

(3) Certify that it will comply with 42 U.S.C. Section 1981, as amended;

(4) Provide academic accountability to parents of the students or children in the program by regularly reporting to the parent on the student's or child's progress;

(5) Certify that in providing any educational services or behavior strategies to a scholarship recipient with a medical or clinical diagnosis of or an individualized education program based upon autism spectrum disorder it will:

(a) Adhere to the best practices recommendations of the Missouri Autism Guidelines Initiative or document why it is varying from the guidelines;

(b) Not use any evidence-based interventions that have been found ineffective by the Centers for Medicare and Medicaid Services as described in the Missouri Autism Guidelines Initiative guide to evidence-based interventions; and

(c) Provide documentation in the student's or child's record of the rationale for the use of any intervention that is categorized as unestablished, insufficient evidence, or level 3 by the Missouri Autism Guidelines Initiative guide to evidence-based interventions; and

(6) Certify that in providing any educational services or behavior strategies to a scholarship recipient with a medical or clinical diagnosis of, or an individualized family services program based upon Down Syndrome, Angelman Syndrome, cerebral palsy, or dyslexia, it will use student, teacher, teaching, and school influences that rank in the zone of desired effects in the meta-analysis of John Hattie, or equivalent analyses as determined by the department, or document why it is using a

method that has not been determined by analysis to rank in the zone of desired effects.

10. Scholarship granting organizations shall not provide educational scholarships for students to attend any school or children to receive services from any qualified service provider with paid staff or board members who are relatives within the first degree of consanguinity or affinity.

11. A scholarship granting organization shall publicly report to the department, by June first of each year, the following information prepared by a certified public accountant regarding its grants in the previous calendar year:

(1) The name and address of the scholarship granting organization;

(2) The total number and total dollar amount of contributions received during the previous calendar year; and

(3) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, including the category of each scholarship, and the total number and total dollar amount of educational scholarships awarded during the previous year to students eligible for free and reduced lunch.

12. The department shall adopt rules and regulations consistent with this section as necessary to implement the program.

13. The department shall provide a standardized format for a receipt to be issued by a scholarship granting organization to a donor to indicate the value of a contribution received.

14. The department shall provide a standardized format for scholarship granting organizations to report the information in this section.

15. The department may conduct either a financial review or audit of a scholarship granting organization.

16. If the department believes that a scholarship granting organization has

intentionally and substantially failed to comply with the requirements of this section, the department may hold a hearing before the director or the director's designee to bar a scholarship granting organization from participating in the program. The director or the director's designee shall issue a decision within thirty days. A scholarship granting organization may appeal the director's decision to the administrative hearing commission for a hearing in accordance with the provisions of chapter 621.

17. If the scholarship granting organization is barred from participating in the program, the department shall notify affected scholarship students or children and their parents of this decision within fifteen days.

18. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

19. The department shall conduct a study of the program with funds other than state funds. The department may contract with one or more qualified researchers who have previous experience evaluating similar programs. The department may accept grants to assist in funding this study.

20. The study shall assess:

(1) The level of participating students' and children's satisfaction with the program in a manner suitable to the student or child;

426 (2) The level of parental satisfaction
427 with the program;

428 (3) The percentage of participating
429 students who were bullied or harassed because of
430 their special needs status at their resident
431 school district compared to the percentage so
432 bullied or harassed at their qualified school;

433 (4) The percentage of participating
434 students who exhibited behavioral problems at
435 their resident school district compared to the
436 percentage exhibiting behavioral problems at
437 their qualified school;

438 (5) The class size experienced by
439 participating students at their resident school
440 district and at their qualified school; and

441 (6) The fiscal impact to the state and
442 resident school districts of the program.

443 21. The study shall be completed using
444 appropriate analytical and behavioral sciences
445 methodologies to ensure public confidence in the
446 study.

447 22. The department shall provide the
448 general assembly with a final copy of the
449 evaluation of the program by December 31, 2016.

450 23. The public and nonpublic participating
451 schools and service providers from which
452 students transfer to participate in the program
453 shall cooperate with the research effort by
454 providing student or child assessment instrument
455 scores and any other data necessary to complete
456 this study.

457 24. The general assembly may require
458 periodic updates on the status of the study from
459 the department. The individuals completing the
460 study shall make their data and methodology
461 available for public review while complying with
462 the requirements of the Family Educational
463 Rights and Privacy Act, as amended.

464 25. Under section 23.253 of the Missouri
465 sunset act:

466 (1) The provisions of the new program
467 authorized under this section shall sunset
468 automatically on December 31, 2019, unless

reauthorized by an act of the general assembly;
and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically on December 31, 2031; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

[161.1055. 1. Subject to appropriations, the department of elementary and secondary education shall establish the "Trauma-Informed Schools Pilot Program".

2. Under the trauma-informed schools pilot program, the department of elementary and secondary education shall choose five schools to receive intensive training on the trauma-informed approach.

3. The five schools chosen for the pilot program shall be located in the following areas:

(1) One public school located in a metropolitan school district;

(2) One public school located in a home rule city with more than four hundred thousand inhabitants and located in more than one county;

(3) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(4) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants; and

(5) One public school located in any one of the following counties:

(a) A county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants;

34 (b) A county of the third classification
35 without a township form of government and with
36 more than six thousand but fewer than seven
37 thousand inhabitants and with a city of the
38 fourth classification with more than eight
39 hundred but fewer than nine hundred inhabitants
40 as the county seat;

41 (c) A county of the third classification
42 with a township form of government and with more
43 than thirty-one thousand but fewer than thirty-
44 five thousand inhabitants;

45 (d) A county of the third classification
46 without a township form of government and with
47 more than fourteen thousand but fewer than
48 sixteen thousand inhabitants and with a city of
49 the third classification with more than five
50 thousand but fewer than six thousand inhabitants
51 as the county seat;

52 (e) A county of the third classification
53 without a township form of government and with
54 more than eighteen thousand but fewer than
55 twenty thousand inhabitants and with a city of
56 the fourth classification with more than three
57 thousand but fewer than three thousand seven
58 hundred inhabitants as the county seat;

59 (f) A county of the third classification
60 without a township form of government and with
61 more than eighteen thousand but fewer than
62 twenty thousand inhabitants and with a city of
63 the third classification with more than six
64 thousand but fewer than seven thousand
65 inhabitants as the county seat;

66 (g) A county of the third classification
67 without a township form of government and with
68 more than fourteen thousand but fewer than
69 sixteen thousand inhabitants and with a city of
70 the fourth classification with more than one
71 thousand nine hundred but fewer than two
72 thousand one hundred inhabitants as the county
73 seat;

74 (h) A county of the third classification
75 without a township form of government and with
76 more than thirty-seven thousand but fewer than
77 forty-one thousand inhabitants and with a city

78 of the fourth classification with more than
79 eight hundred but fewer than nine hundred
80 inhabitants as the county seat;

81 (i) A county of the third classification
82 with a township form of government and with more
83 than twenty-eight thousand but fewer than thirty-
84 one thousand inhabitants; or

85 (j) A county of the third classification
86 without a township form of government and with
87 more than twelve thousand but fewer than
88 fourteen thousand inhabitants and with a city of
89 the fourth classification with more than five
90 hundred but fewer than five hundred fifty
91 inhabitants as the county seat.

92 4. The department of elementary and
93 secondary education shall:

94 (1) Train the teachers and administrators
95 of the five schools chosen for the pilot program
96 regarding the trauma-informed approach and how
97 to become trauma-informed schools;

98 (2) Provide the five schools with funds to
99 implement the trauma-informed approach; and

100 (3) Closely monitor the progress of the
101 five schools in becoming trauma-informed schools
102 and provide further assistance if necessary.

103 5. The department of elementary and
104 secondary education shall terminate the trauma-
105 informed schools pilot program on August 28,
106 2019. Before December 31, 2019, the department
107 of elementary and secondary education shall
108 submit a report to the general assembly that
109 contains the results of the pilot program,
110 including any benefits experienced by the five
111 schools chosen for the program.

112 6. (1) There is hereby created in the
113 state treasury the "Trauma-Informed Schools
114 Pilot Program Fund". The fund shall consist of
115 any appropriations to such fund. The state
116 treasurer shall be custodian of the fund. In
117 accordance with sections 30.170 and 30.180, the
118 state treasurer may approve disbursements of
119 public moneys in accordance with distribution
120 requirements and procedures developed by the
121 department of elementary and secondary

education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

7. For purposes of this section, the following terms mean:

(1) "Trauma-informed approach", an approach that involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan;

(2) "Trauma-informed school", a school that:

(a) Realizes the widespread impact of trauma and understands potential paths for recovery;

(b) Recognizes the signs and symptoms of trauma in students, teachers, and staff;

(c) Responds by fully integrating knowledge about trauma into its policies, procedures, and practices; and

(d) Seeks to actively resist retraumatization.

8. The provisions of this section shall expire December 31, 2019.]

[167.910. 1. There is hereby established the "Career Readiness Course Task Force" to explore the possibility of a course covering the topics described in this section being offered in the public schools to students in eighth grade or ninth grade. Task force members shall be chosen to represent the geographic diversity of the state. All task force members shall be

9 appointed before October 31, 2018. The task
10 force members shall be appointed as follows:

11 (1) A parent of a student attending
12 elementary school, appointed by the joint
13 committee on education;

14 (2) A parent of a student attending a
15 grade not lower than the sixth nor higher than
16 the eighth grade, appointed by the joint
17 committee on education;

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

21 (4) An elementary education professional
22 from an accredited school district, appointed by
23 the joint committee on education from names
24 submitted by statewide education employee
25 organizations;

26 (5) Two education professionals giving
27 instruction in a grade or grades not lower than
28 the sixth nor higher than the eighth grade in
29 accredited school districts, appointed by the
30 joint committee on education from names
31 submitted by statewide education employee
32 organizations;

33 (6) Two secondary education professionals
34 from accredited school districts, appointed by
35 the joint committee on education from names
36 submitted by statewide education employee
37 organizations;

38 (7) A career and technical education
39 professional who has experience serving as an
40 advisor to a statewide career and technical
41 education organization, appointed by a statewide
42 career and technical education organization;

43 (8) An education professional from an
44 accredited technical high school, appointed by a
45 statewide career and technical education
46 organization;

47 (9) A public school board member,
48 appointed by a statewide association of school
49 boards;

50 (10) A secondary school principal,
51 appointed by a statewide association of
52 secondary school principals;

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

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

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

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

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

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

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

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

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

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

2. The members of the task force established under subsection 1 of this section shall elect a chair from among the membership of the task force. The task force shall meet as needed to complete its consideration of the course described in subsection 5 of this section and provide its findings and recommendations as described in subsection 6 of this section. Members of the task force shall serve without compensation. No school district policy or

administrative action shall require any education employee member to use personal leave or incur a reduction in pay for participating on the task force.

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

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

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

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

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

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

(c) Describing technical degrees offered by colleges;

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

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

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

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

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

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

(j) Describing the availability of virtual courses;

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Provides student loan counseling; and

(5) May include parent-student meetings.

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

[167.910. 1. There is hereby established the "Career Readiness Course Task Force" to explore the possibility of a course covering the topics described in this section being offered in the public schools to students in eighth grade or ninth grade. Task force members shall be chosen to represent the geographic diversity of the state. All task force members shall be

9 appointed before October 31, 2018. The task
10 force members shall be appointed as follows:

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

14 (2) A parent of a student attending a
15 grade not lower than the sixth nor higher than
16 the eighth grade, appointed by a statewide
17 association of parents and teachers;

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

21 (4) An elementary education professional
22 from an accredited school district, appointed by
23 agreement among the Missouri State Teachers
24 Association, the Missouri National Education
25 Association, and the American Federation of
26 Teachers of Missouri;

27 (5) An education professional giving
28 instruction in a grade or grades not lower than
29 the sixth nor higher than the eighth grade in an
30 accredited school district, appointed by
31 agreement among the Missouri State Teachers
32 Association, the Missouri National Education
33 Association, and the American Federation of
34 Teachers of Missouri;

35 (6) A secondary education professional
36 from an accredited school district, appointed by
37 agreement among the Missouri State Teachers
38 Association, the Missouri National Education
39 Association, and the American Federation of
40 Teachers of Missouri;

41 (7) A career and technical education
42 professional who has experience serving as an
43 advisor to a statewide career and technical
44 education organization, appointed by a statewide
45 career and technical education organization;

46 (8) An education professional from an
47 accredited technical high school, appointed by a
48 statewide career and technical education
49 organization;

50 (9) A public school board member,
51 appointed by a statewide association of school
52 boards;

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

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

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

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

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

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

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

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

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

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

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

2. The members of the task force established under subsection 1 of this section shall elect a chair from among the membership of the task force. The task force shall meet as needed to complete its consideration of the course described in subsection 5 of this section

97 and provide its findings and recommendations as
98 described in subsection 6 of this section.
99 Members of the task force shall serve without
100 compensation. No school district policy or
101 administrative action shall require any
102 education employee member to use personal leave
103 or incur a reduction in pay for participating on
104 the task force.

105 3. The task force shall hold at least
106 three public hearings to provide an opportunity
107 to receive public testimony including, but not
108 limited to, testimony from educators, local
109 school boards, parents, representatives from
110 business and industry, labor and community
111 leaders, members of the general assembly, and
112 the general public.

113 4. The department of elementary and
114 secondary education shall provide such legal,
115 research, clerical, and technical services as
116 the task force may require in the performance of
117 its duties.

118 5. The task force established under
119 subsection 1 of this section shall consider a
120 course that:

121 (1) Gives students an opportunity to
122 explore various career and educational
123 opportunities by:

124 (a) Administering career surveys to
125 students and helping students use Missouri
126 Connections to determine their career interests
127 and develop plans to meet their career goals;

128 (b) Explaining the differences between
129 types of colleges, including two-year and four-
130 year colleges, and noting the availability of
131 registered apprenticeship programs as
132 alternatives to college for students;

133 (c) Describing technical degrees offered
134 by colleges;

135 (d) Explaining the courses and educational
136 experiences offered at community colleges;

137 (e) Describing the various certificates
138 and credentials available to earn at the school
139 or other schools including, but not limited to,
140 career and technical education certificates

described under section 170.029 and industry-recognized certificates and credentials;

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

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

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

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

(j) Describing the availability of virtual courses;

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Provides student loan counseling; and

(5) May include parent-student meetings.

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

[171.034. Any school district that is eligible to reduce its requirement to make up days pursuant to subsection 3 of section 171.033 may provide food service on a summer school food service basis if it resumes school with double sessions.]

[172.287. 1. The University of Missouri shall annually request an appropriation under capital improvements, subject to availability of funds, for a program of grants established for the engineering colleges of the University of Missouri for the purpose of assisting such colleges in the purchase of teaching and research laboratory equipment exclusive of laboratory or classroom furniture. The amount granted for each engineering college may not exceed the lesser of an amount equal to one thousand two hundred dollars per each such bachelor's degree awarded in the previous fiscal year in all engineering programs currently accredited by the accreditation board for engineering and technology, or the dollar value of new funds for equipment purchase which such colleges may obtain from sources other than state appropriations for laboratory equipment.

2. For purposes of this section, the fair market value of in-kind contributions of laboratory equipment to the colleges may be included as funds for equipment purchase from sources other than state appropriations. In the event that new funds for laboratory equipment purchase obtained by any college of engineering from such nonstate sources exceed the amount necessary to reach the maximum dollar limits herein specified, such excess amounts will be carried over to the following fiscal year and considered the same as that year's new equipment funds from nonstate sources.

3. In the event that the appropriations for this grant program are insufficient to fund all grants approved for a given fiscal year, all such grants shall be reduced pro rata as necessary.

4. The provisions of this section shall terminate on June 30, 2017.]

[173.196. 1. Any business firm, as defined in section 32.105, may make a donation to the "Missouri Higher Education Scholarship Donation Fund", which is hereby created in the

5 state treasury. A donating business firm shall
6 receive a tax credit as provided in this section
7 equal to fifty percent of the amount of the
8 donation, except that tax credits shall be
9 awarded each fiscal year in the order donations
10 are received and the amount of tax credits
11 authorized shall total no more than two hundred
12 and fifty thousand dollars for each fiscal year.

13 2. The department of revenue shall grant
14 tax credits approved under this section which
15 shall be applied in the order specified in
16 subsection 1 of section 32.115 until used. The
17 tax credits provided under this section shall be
18 refundable, and any tax credit not used in the
19 fiscal year in which approved may be carried
20 over the next five succeeding calendar or fiscal
21 years until the full credit has been claimed.
22 Notwithstanding any other law to the contrary,
23 any tax credits granted under this section may
24 be assigned, transferred, sold, or otherwise
25 conveyed without consent or approval. Such
26 taxpayer, hereinafter the assignor for purposes
27 of this section, may sell, assign, exchange, or
28 otherwise transfer earned tax credits:

29 (1) For no less than seventy-five percent
30 of the par value of such credits; and

31 (2) In an amount not to exceed one hundred
32 percent of annual earned credits.

33 3. No tax credit authorized under this
34 section may be applied against any tax applied
35 in a tax year beginning prior to January 1, 1995.

36 4. All revenues credited to the fund shall
37 be used, subject to appropriations, to provide
38 scholarships authorized under sections 173.197
39 to 173.199, and for no other purpose.

40 5. For all tax years beginning on or after
41 January 1, 2005, no tax credits shall be
42 authorized, awarded, or issued to any person or
43 entity claiming any tax credit under this
44 section.]

2 [173.236. 1. As used in this section,
3 unless the context clearly requires otherwise,
the following terms mean:

4 (1) "Board", the coordinating board for
5 higher education;

6 (2) "Grant", the Vietnam veteran's
7 survivors grant as established in this section;

8 (3) "Institution of postsecondary
9 education", any approved public or private
10 institution as defined in section 173.205;

11 (4) "Survivor", a child or spouse of a
12 Vietnam veteran as defined in this section;

13 (5) "Tuition", any tuition or incidental
14 fee or both charged by an institution of
15 postsecondary education, as defined in this
16 section, for attendance at the institution by a
17 student as a resident of this state;

18 (6) "Vietnam veteran", a person who served
19 in the military in Vietnam or the war zone in
20 Southeast Asia and to whom the following
21 criteria shall apply:

22 (a) The veteran was a Missouri resident
23 when first entering the military service and at
24 the time of death;

25 (b) The veteran's death was attributable
26 to illness that could possibly be a result of
27 exposure to toxic chemicals during the Vietnam
28 Conflict; and

29 (c) The veteran served in the Vietnam
30 theater between 1961 and 1972.

31 2. Within the limits of the amounts
32 appropriated therefor, the coordinating board
33 for higher education shall award annually up to
34 twelve grants to survivors of Vietnam veterans
35 to attend institutions of postsecondary
36 education in this state. If the waiting list of
37 eligible survivors exceeds fifty, the
38 coordinating board may petition the general
39 assembly to expand the quota. If the quota is
40 not expanded the eligibility of survivors on the
41 waiting list shall be extended.

42 3. A survivor may receive a grant pursuant
43 to this section only so long as the survivor is
44 enrolled in a program leading to a certificate,
45 or an associate or baccalaureate degree. In no
46 event shall a survivor receive a grant beyond
47 the completion of the first baccalaureate

degree, regardless of age. No survivor shall receive more than one hundred percent of tuition when combined with similar funds made available to such survivor.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section;

(2) Determine minimum standards of performance in order for a survivor to remain eligible to receive a grant under this program;

(3) Make available on behalf of a survivor an amount toward the survivor's tuition which is equal to the grant to which the survivor is entitled under the provisions of this section;

(4) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this program.

5. In order to be eligible to receive a grant pursuant to this section, a survivor shall be certified as eligible by a Missouri state veterans service officer. Such certification shall be made upon qualified medical certification by a Veterans Administration medical authority that exposure to toxic chemicals contributed to or was the cause of death of the veteran, as defined in subsection 1 of this section.

6. A survivor who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education shall receive a grant in an amount not to exceed the least of the following:

(1) The actual tuition, as defined in this section, charged at an approved institution where the child is enrolled or accepted for enrollment; or

(2) The average amount of tuition charged a Missouri resident at the institutions identified in section 174.020 for attendance as a full-time student, as defined in section 173.205.

7. A survivor who is a recipient of a grant may transfer from one approved public or private institution of postsecondary education to another without losing his entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the portion of the refund to which he is entitled attributable to the grant for that semester or similar grading period to the board.

8. If a survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible survivor.

9. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

10. The benefits conferred by this section shall be available to any academically qualified surviving children and spouses of Vietnam veterans as defined in subsection 1 of this section, regardless of the survivor's age, until December 31, 1995. After December 31, 1995, the benefits conferred by this section shall not be available to such persons who are twenty-five years of age or older, except spouses will remain eligible until the fifth anniversary after the death of the veteran.

11. This section shall expire on December 31, 2015.]

[173.680. 1. The department of higher education and workforce development shall

3 conduct a study to identify the information
4 technology industry certifications most
5 frequently requested by employers in Missouri.
6 The department of higher education and workforce
7 development may conduct the study with the
8 assistance of other state departments and
9 agencies, the Missouri mathematics and science
10 coalition, and the governor's advisory council
11 on science, technology, engineering, and
12 mathematical issues.

13 2. The department of higher education and
14 workforce development shall complete the study
15 no later than January 31, 2015. The department
16 shall prepare the findings in a report and
17 provide it to:

18 (1) The president pro tempore of the
19 senate;

20 (2) The speaker of the house of
21 representatives;

22 (3) The joint committee on education;

23 (4) The governor;

24 (5) The coordinating board for higher
25 education; and

26 (6) The state board of education.]

[184.384. The district and subdistricts
2 and the officers and employees thereof shall be
3 subject to the provisions of chapter 296 or any
4 amendment thereto hereafter enacted.]

[190.450. By December 31, 2017, the
2 department of public safety shall complete a
3 study of the number of public safety answering
4 points necessary to provide the best possible
5 911 technology and service to all areas of the
6 state in the most efficient and economical
7 manner possible, issue a state public safety
8 answering point consolidation plan based on the
9 study, and provide such plan to the Missouri 911
10 service board.]

[191.425. 1. Upon receipt of federal
2 funding in accordance with subsection 4 of this
3 section, there is hereby established within the
4 department of health and senior services the

5 "Women's Heart Health Program" to provide heart
6 disease risk screening to uninsured and
7 underinsured women.

8 2. The following women shall be eligible
9 for program services:

10 (1) Women between the ages of thirty-five
11 and sixty-four years;

12 (2) Women who are receiving breast and
13 cervical cancer screenings under the Missouri
14 show me healthy women program;

15 (3) Women who are uninsured or whose
16 insurance does not provide coverage for heart
17 disease risk screenings; and

18 (4) Women with a gross family income at or
19 below two hundred percent of the federal poverty
20 level.

21 3. The department shall contract with
22 health care providers who are currently
23 providing services under the Missouri show me
24 healthy women program to provide screening
25 services under the women's heart health
26 program. Screening shall include but not be
27 limited to height, weight, and body mass index
28 (BMI), blood pressure, total cholesterol, HDL,
29 and blood glucose. Any woman whose screening
30 indicates an increased risk for heart disease
31 shall be referred for appropriate follow-up
32 health care services and be offered lifestyle
33 education services to reduce her risk for heart
34 disease.

35 4. The women's heart health program shall
36 be subject to receipt of federal funding which
37 designates such funding for heart disease risk
38 screening to uninsured and underinsured women.
39 In the event that federal funds are not
40 available for such program, the department shall
41 not be required to establish or implement the
42 program.

43 5. Under section 23.253 of the Missouri
44 sunset act:

45 (1) The provisions of the program
46 authorized under this section shall
47 automatically sunset three years after August

48 28, 2012, unless reauthorized by an act of the
49 general assembly; and

50 (2) If such program is reauthorized, the
51 program authorized under this section shall
52 automatically sunset three years after the
53 effective date of the reauthorization of this
54 section; and

55 (3) This section shall terminate on
56 September first of the calendar year immediately
57 following the calendar year in which the program
58 authorized under this section is sunset.]

[191.950. 1. As used in this section, the
2 following terms mean:

3 (1) "Department", the department of health
4 and senior services;

5 (2) "Economically challenged men", men who
6 have a gross income up to one hundred fifty
7 percent of the federal poverty level;

8 (3) "Program", the prostate cancer pilot
9 program established in this section;

10 (4) "Rural area", a rural area which is in
11 either any county of the third classification
12 without a township form of government and with
13 more than twenty thousand but fewer than twenty
14 thousand one hundred inhabitants, any county of
15 the second classification with more than
16 nineteen thousand seven hundred but fewer than
17 nineteen thousand eight hundred inhabitants, or
18 any county of the third classification with a
19 township form of government and with more than
20 thirty-three thousand one hundred but fewer than
21 thirty-three thousand two hundred inhabitants;

22 (5) "Uninsured men", men for whom services
23 provided by the program are not covered by
24 private insurance, MO HealthNet or Medicare;

25 (6) "Urban area", an urban area which is
26 located in a city not within a county.

27 2. Subject to securing a cooperative
28 agreement with a nonprofit entity for funding of
29 the program, there is hereby established within
30 the department of health and senior services two
31 "Prostate Cancer Pilot Programs" to fund
32 prostate cancer screening and treatment services

33 and to provide education to men residing in this
34 state. One prostate cancer pilot program shall
35 be located in an urban area and one prostate
36 cancer pilot program shall be located in a rural
37 area. The department may directly contract with
38 the Missouri Foundation for Health, or a
39 successor entity, in the delivery of the pilot
40 program. For purposes of this section, the
41 contracting process of the department with these
42 entities need not be governed by the provisions
43 of chapter 34.

44 3. The program shall be open to:

45 (1) Uninsured men or economically
46 challenged men who are at least fifty years old;
47 and

48 (2) On the advice of a physician or at the
49 request of the individual, uninsured men or
50 economically challenged men who are at least
51 thirty-five years of age but less than fifty
52 years of age and who are at high risk for
53 prostate cancer.

54 4. The program shall provide:

55 (1) Prostate cancer screening;

56 (2) Referral services, including services
57 necessary for diagnosis;

58 (3) Treatment services for individuals who
59 are diagnosed with prostate cancer after being
60 screened; and

61 (4) Outreach and education activities to
62 ensure awareness and utilization of program
63 services by uninsured men and economically
64 challenged men.

65 5. Upon appropriation, the department
66 shall distribute grants to administer the
67 program to:

68 (1) Local health departments; and

69 (2) Federally qualified health centers.

70 6. Three years from the date on which the
71 grants were first administered under this
72 section, the department shall report to the
73 governor and general assembly:

74 (1) The number of individuals screened and
75 treated under the program, including racial and

76 ethnic data on the individuals who were screened
77 and treated; and

78 (2) To the extent possible, any cost
79 savings achieved by the program as a result of
80 early detection of prostate cancer.

81 7. The department shall promulgate rules
82 to establish guidelines regarding eligibility
83 for the program and to implement the provisions
84 of this section. Any rule or portion of a rule,
85 as that term is defined in section 536.010, that
86 is created under the authority delegated in this
87 section shall become effective only if it
88 complies with and is subject to all of the
89 provisions of chapter 536 and, if applicable,
90 section 536.028. This section and chapter 536
91 are nonseverable and if any of the powers vested
92 with the general assembly pursuant to chapter
93 536 to review, to delay the effective date, or
94 to disapprove and annul a rule are subsequently
95 held unconstitutional, then the grant of
96 rulemaking authority and any rule proposed or
97 adopted after August 28, 2011, shall be invalid
98 and void.

99 8. Under and pursuant to section 23.253 of
100 the Missouri sunset act:

101 (1) The provisions of the new program
102 authorized under this section shall
103 automatically sunset six years after August 28,
104 2011, unless reauthorized by an act of the
105 general assembly; and

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

111 (3) This section shall terminate on
112 September first of the calendar year immediately
113 following the calendar year in which the program
114 authorized under this section is sunset.]

2 [191.1075. As used in sections 191.1075 to
3 191.1085, the following terms shall mean:

4 (1) "Department", the department of health
and senior services;

(2) "Health care professional", a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;

(3) "Hospital":

(a) A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care of not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or

(b) A place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more unrelated individuals. "Hospital" does not include convalescent, nursing, shelter, or boarding homes as defined in chapter 198.]

[191.1080. 1. There is hereby created within the department of health and senior services the "Missouri Palliative Care and Quality of Life Interdisciplinary Council", which shall be a palliative care consumer and professional information and education program to improve quality and delivery of patient-centered and family-focused care in this state.

2. On or before December 1, 2016, the following members shall be appointed to the council:

(1) Two members of the senate, appointed by the president pro tempore of the senate;

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(3) Two board-certified hospice and palliative medicine physicians licensed in this state, appointed by the governor with the advice and consent of the senate;

(4) Two certified hospice and palliative nurses licensed in this state, appointed by the governor with the advice and consent of the senate;

25 (5) A certified hospice and palliative
26 social worker, appointed by the governor with
27 the advice and consent of the senate;

28 (6) A patient and family caregiver
29 advocate representative, appointed by the
30 governor with the advice and consent of the
31 senate; and

32 (7) A spiritual professional with
33 experience in palliative care and health care,
34 appointed by the governor with the advice and
35 consent of the senate.

36 3. Council members shall serve for a term
37 of three years. The members of the council
38 shall elect a chair and vice chair whose duties
39 shall be established by the council. The
40 department shall determine a time and place for
41 regular meetings of the council, which shall
42 meet at least biannually.

43 4. Members of the council shall serve
44 without compensation, but shall, subject to
45 appropriations, be reimbursed for their actual
46 and necessary expenses incurred in the
47 performance of their duties as members of the
48 council.

49 5. The council shall consult with and
50 advise the department on matters related to the
51 establishment, maintenance, operation, and
52 outcomes evaluation of palliative care
53 initiatives in this state, including the
54 palliative care consumer and professional
55 information and education program established in
56 section 191.1085.

57 6. The council shall submit an annual
58 report to the general assembly, which includes
59 an assessment of the availability of palliative
60 care in this state for patients at early stages
61 of serious disease and an analysis of barriers
62 to greater access to palliative care.

63 7. The council authorized under this
64 section shall automatically expire August 28,
65 2022.]

 [191.1085. 1. There is hereby established
2 the "Palliative Care Consumer and Professional

Information and Education Program" within the department of health and senior services.

2. The purpose of the program is to maximize the effectiveness of palliative care in this state by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities.

3. The department shall publish on its website information and resources, including links to external resources, about palliative care for the public, health care providers, and health care facilities, including but not limited to:

(1) Continuing education opportunities for health care providers;

(2) Information about palliative care delivery in the home, primary, secondary, and tertiary environments; and

(3) Consumer educational materials and referral information for palliative care, including hospice.

4. Each hospital in this state is encouraged to have a palliative care presence on its intranet or internet website which provides links to one or more of the following organizations: the Institute of Medicine, the Center to Advance Palliative Care, the Supportive Care Coalition, the National Hospice and Palliative Care Organization, the American Academy of Hospice and Palliative Medicine, and the National Institute on Aging.

5. Each hospital in this state is encouraged to have patient education information about palliative care available for distribution to patients.

6. The department shall consult with the palliative care and quality of life interdisciplinary council established in section 191.1080 in implementing the section.

7. The department may promulgate rules to implement the provisions of sections 191.1075 to 191.1085. Any rule or portion of a rule, as

47 that term is defined in section 536.010, that is
48 created under the authority delegated in
49 sections 191.1075 to 191.1085 shall become
50 effective only if it complies with and is
51 subject to all of the provisions of chapter 536
52 and, if applicable, section 536.028. Sections
53 191.1075 to 191.1085 and chapter 536 are
54 nonseverable and if any of the powers vested
55 with the general assembly pursuant to chapter
56 536 to review, to delay the effective date, or
57 to disapprove and annul a rule are subsequently
58 held unconstitutional, then the grant of
59 rulemaking authority and any rule proposed or
60 adopted after August 28, 2016, shall be invalid
61 and void.

62 8. Notwithstanding the provisions of
63 section 23.253 to the contrary, the program
64 authorized under this section shall
65 automatically expire on August 28, 2022.]

[192.926. 1. By September 1, 2015, the
2 department of social services in cooperation
3 with the department of health and senior
4 services and the department of mental health
5 shall establish a committee to assess the
6 continuation of the money follows the person
7 demonstration program in order to support
8 Missourians who have disabilities and those who
9 are aging to transition from nursing facilities
10 or habilitation centers to quality community
11 settings. The committee shall study
12 sustainability of the program beyond the current
13 demonstration time frame for all transitions to
14 occur by September 30, 2018. The committee
15 shall be administered and its members, with the
16 exception of the members from the house of
17 representatives and the senate, chosen by the
18 director of the department of social services.

19 2. The committee shall:

20 (1) Review the extent to which the
21 demonstration program has achieved its purposes;
22 (2) Assess any possible improvements to
23 the program;

24 (3) Investigate program elements and costs
25 to sustain the program beyond its current
26 demonstration period;

27 (4) Explore cost savings achieved through
28 the demonstration program;

29 (5) Investigate the possibility and need
30 to apply for a waiver from the Centers for
31 Medicare and Medicaid Services.

32 3. The committee shall include fiscal
33 staff from the department of social services,
34 the department of health and senior services,
35 the department of mental health, and the office
36 of administration's division of budget and
37 planning. The committee shall also be comprised
38 of a representative from each of the following:

39 (1) The division of senior and disability
40 services within the department of health and
41 senior services;

42 (2) The MO HealthNet division within the
43 department of social services;

44 (3) The division of developmental
45 disabilities within the department of mental
46 health;

47 (4) Centers for independent living and
48 area agencies on aging currently serving as
49 money follows the person local contact agencies;

50 (5) The Missouri assistive technology
51 council;

52 (6) The Missouri developmental
53 disabilities council;

54 (7) The skilled nursing community
55 predominately serving MO HealthNet participants;

56 (8) The Missouri house of representatives,
57 appointed by the speaker of the house of
58 representatives; and

59 (9) The Missouri senate, appointed by the
60 president pro tempore of the senate.

61 4. The committee may also include other
62 members or work groups deemed necessary to
63 accomplish its purposes, including but not
64 limited to representatives from state agencies,
65 local advisory groups and community members, and
66 members of the general assembly with valuable

67 input regarding the activities of the money
68 follows the person demonstration program.

69 5. The department of social services in
70 cooperation with the department of health and
71 senior services and the department of mental
72 health shall make recommendations based on the
73 findings of the committee and report them to the
74 general assembly and the governor by July 1,
75 2016.

76 6. The provisions of this section shall
77 expire on January 1, 2017.]

[199.020. 1. The following officers and
2 their families shall, with the permission of the
3 department of health and senior services, reside
4 on the premises or other property of the
5 center: center director, assistant director,
6 physicians, and other personnel required for the
7 center's operation as recommended by the
8 center's director. Personnel residing at the
9 center shall pay a monthly rental determined
10 annually at the lower of cost or fair market
11 value; except that the center director, with the
12 approval of the director of the department of
13 health and senior services, may establish a
14 lower rate as required to fill the center's
15 personnel needs.

16 2. This section shall terminate thirty
17 days following the date notice is provided to
18 the revisor of statutes that an agreement has
19 been executed which transfers the Missouri
20 rehabilitation center from the department of
21 health and senior services to the board of
22 curators of the University of Missouri.]

[208.482. 1. The MO HealthNet division
2 shall not recover disproportionate share
3 hospital audit recoupments from any tier 1
4 safety net hospital, excluding department of
5 mental health state-operated psychiatric
6 hospitals, for which an intergovernmental
7 transfer was used for the nonfederal share of
8 its disproportionate share hospital payments.
9 General revenue funds shall not be used to

10 offset any expenditure of funds to pay such
11 recoupments to the federal government.

12 2. The provisions of this section shall
13 expire on September 30, 2022.]

[208.627. 1. The department of social
2 services shall seek input from the department of
3 mental health and community-based social service
4 agencies, which provide case management services
5 to the elderly, for the purpose of developing a
6 report outlining areas and strategies by which
7 the department can deliver case management
8 services to the elderly by collaboration and
9 cooperation with community-based social service
10 agencies, employing licensed personnel. The
11 report shall include, but not be limited to, the
12 identification of at-risk elderly,
13 transportation services, case management
14 services, nutrition services, health services,
15 and socialization activities and programs. The
16 goal of strategies outlined should be to enhance
17 the quality of life and welfare of Missouri's
18 elderly population, and specifically Missouri's
19 at-risk elderly.

20 2. The report required by subsection 1 of
21 this section shall be delivered to the governor,
22 the president pro tem of the senate, and the
23 speaker of the house not later than January 1,
24 1995. The report shall identify effective and
25 efficient methods of delivering necessary
26 services to at-risk elderly.]

[210.154. 1. There is hereby created
2 within the department of social services the
3 "Missouri Task Force on the Prevention of Infant
4 Abuse and Neglect" to study and make
5 recommendations to the governor and general
6 assembly concerning the prevention of infant
7 abuse and neglect in Missouri. The task force
8 shall consist of the following nine members:

9 (1) Two members of the senate from
10 different political parties, appointed by the
11 president pro tempore of the senate;

12 (2) Two members of the house of
13 representatives from different political

parties, appointed by the speaker of the house of representatives;

(3) The director of the department of social services, or his or her designee;

(4) The director of the department of health and senior services, or his or her designee;

(5) A SAFE CARE provider as described in section 334.950;

(6) A representative of a child advocacy organization specializing in prevention of child abuse and neglect; and

(7) A representative of a licensed Missouri hospital or licensed Missouri birthing center.

Members of the task force, other than the legislative members and the directors of state departments, shall be appointed by the governor with the advice and consent of the senate by September 15, 2016.

2. A majority vote of a quorum of the task force is required for any action.

3. The task force shall elect a chair and vice chair at its first meeting, which shall be convened by the director of the department of social services, or his or her designee, no later than October 1, 2016. Meetings may be held by telephone or video conference at the discretion of the chair.

4. Members shall serve on the task force without compensation but may, subject to appropriations, be reimbursed for actual and necessary expenses incurred in the performance of their official duties as members of the task force.

5. On or before December 31, 2016, the task force shall submit a report on its findings and recommendations to the governor and general assembly.

6. The task shall develop recommendations to reduce infant abuse and neglect, including but not limited to:

(1) Sharing information between the children's division and hospitals and birthing

58 centers for the purpose of identifying newborn
59 infants who may be at risk of abuse and neglect;
60 and

61 (2) Training division employees and
62 medical providers to recognize the signs of
63 infant child abuse and neglect.

64 The recommendations may include proposals for
65 specific statutory and regulatory changes and
66 methods to foster cooperation between state and
67 local governmental bodies, medical providers,
68 and child welfare agencies.

69 7. The task force shall expire on January
70 1, 2017, or upon submission of a report as
71 provided for under subsection 5 of this section.]

[210.1030. 1. There is hereby created the
2 "Trauma-Informed Care for Children and Families
3 Task Force". The mission of the task force
4 shall be to promote the healthy development of
5 children and their families living in Missouri
6 communities by promoting comprehensive trauma-
7 informed children and family support systems and
8 interagency cooperation.

9 2. The task force shall consist of the
10 following members:

11 (1) The directors, or their designees, of
12 the departments of elementary and secondary
13 education, health and senior services, mental
14 health, social services, public safety, and
15 corrections;

16 (2) The director, or his or her designee,
17 of the office of child advocate;

18 (3) Six members from the private sector
19 with knowledge of trauma-informed care methods,
20 two of whom shall be appointed by the speaker of
21 the house of representatives, one of whom shall
22 be appointed by the minority leader of the house
23 of representatives, two of whom shall be
24 appointed by the president pro tempore of the
25 senate, and one of whom shall be appointed by
26 the minority leader of the senate;

27 (4) Two members of the house of
28 representatives appointed by the speaker of the
29 house of representatives and one member of the

house of representatives appointed by the minority leader of the house of representatives;

(5) Two members of the senate appointed by the president pro tempore of the senate and one member of the senate appointed by the minority leader of the senate; and

(6) The executive director, or his or her designee, of the Missouri Juvenile Justice Association.

3. The task force shall incorporate evidence-based and evidence-informed best practices including, but not limited to, the Missouri Model: A Developmental Framework for Trauma-Informed, with respect to:

(1) Early identification of children and youth and their families, as appropriate, who have experienced or are at risk of experiencing trauma;

(2) The expeditious referral of such children and youth and their families, as appropriate, who require specialized services to the appropriate trauma-informed support services, including treatment, in accordance with applicable privacy laws; and

(3) The implementation of trauma-informed approaches and interventions in child and youth-serving schools, organizations, homes, and other settings to foster safe, stable, and nurturing environments and relationships that prevent and mitigate the effects of trauma.

4. The department of social services shall provide such research, clerical, technical, and other services as the task force may require in the performance of its duties.

5. The task force, its members, and any staff assigned to the task force shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the task force or any subcommittee thereof.

6. The task force shall meet within two months of August 28, 2018.

7. The task force shall report a summary of its activities and any recommendations for legislation to the general assembly and to the

74 joint committee on child abuse and neglect under
75 section 21.771 by January 1, 2019.

76 8. The task force shall terminate on
77 January 1, 2019.]

[215.263. 1. For purposes of sections
2 215.261 to 215.263, the term "affordable
3 housing" means all residential structures newly
4 constructed or rehabilitated, which a person
5 earning one hundred fifteen percent or less of
6 the median income for the person's county, as
7 determined by the United States Census Bureau's
8 American Community Survey, based on the most
9 recent of five-year period estimate data in
10 which the final year of the estimate ends in
11 either zero or five, could afford if spending
12 twenty-nine percent of that person's gross
13 income annually on such housing.

14 2. Clerical, research and general
15 administrative support staff for the commission
16 shall be provided by the Missouri department of
17 economic development.]

[217.147. 1. There is hereby created the
2 "Sentencing and Corrections Oversight
3 Commission". The commission shall be composed
4 of thirteen members as follows:

5 (1) A circuit court judge to be appointed
6 by the chief justice of the Missouri supreme
7 court;

8 (2) Three members to be appointed by the
9 governor with the advice and consent of the
10 senate, one of whom shall be a victim's
11 advocate, one of whom shall be a representative
12 from the Missouri Sheriffs' Association, and one
13 of whom shall be a representative of the
14 Missouri Association of Counties;

15 (3) The following shall be ex officio,
16 voting members:

17 (a) The chair of the senate judiciary
18 committee, or any successor committee that
19 reviews legislation involving crime and criminal
20 procedure, who shall serve as co-chair of the
21 commission and the ranking minority member of
22 such senate committee;

(b) The chair of the appropriations-public safety and corrections committee of the house of representatives, or any successor committee that reviews similar legislation, who shall serve as co-chair and the ranking minority member of such house committee;

(c) The director of the Missouri state public defender system, or his or her designee who is a practicing public defender;

(d) The executive director of the Missouri office of prosecution services, or his or her designee who is a practicing prosecutor;

(e) The director of the department of corrections, or his or her designee;

(f) The chairman of the board of probation and parole, or his or her designee;

(g) The chief justice of the Missouri supreme court, or his or her designee.

2. Beginning with the appointments made after August 28, 2012, the circuit court judge member shall be appointed for four years, two of the members appointed by the governor shall be appointed for three years, and one member appointed by the governor shall be appointed for two years. Thereafter, the members shall be appointed to serve four-year terms and shall serve until a successor is appointed. A vacancy in the office of a member shall be filled by appointment for the remainder of the unexpired term.

3. The co-chairs are responsible for establishing and enforcing attendance and voting rules, bylaws, and the frequency, location, and time of meetings, and distributing meeting notices, except that the commission's first meeting shall occur by February 28, 2013, and the commission shall meet at least twice each calendar year.

4. The duties of the commission shall include:

(1) Monitoring and assisting the implementation of sections 217.703, 217.718, and subsection 4 of section 559.036, and evaluating

66 recidivism reductions, cost savings, and other
67 effects resulting from the implementation;

68 (2) Determining ways to reinvest any cost
69 savings to pay for the continued implementation
70 of the sections listed in subdivision (1) of
71 this subsection and other evidence-based
72 practices for reducing recidivism; and

73 (3) Examining the issue of restitution for
74 crime victims, including the amount ordered and
75 collected annually, methods and costs of
76 collection, and restitution's order of priority
77 in official procedures and documents.

78 5. The department, board, and office of
79 state courts administrator shall collect and
80 report any data requested by the commission in a
81 timely fashion.

82 6. The commission shall issue a report to
83 the speaker of the house of representatives,
84 senate president pro tempore, chief justice of
85 the Missouri supreme court, and governor on
86 December 31, 2013, and annually thereafter,
87 detailing the effects of the sections listed in
88 subdivision (1) of subsection 4 and providing
89 the data and analysis demonstrating those
90 effects. The report may also recommend ways to
91 reinvest any cost savings into evidence-based
92 practices to reduce recidivism and possible
93 changes to sentencing and corrections policies
94 and statutes.

95 7. The department of corrections shall
96 provide administrative support to the commission
97 to carry out the duties of this section.

98 8. No member shall receive any
99 compensation for the performance of official
100 duties, but the members who are not otherwise
101 reimbursed by their agency shall be reimbursed
102 for travel and other expenses actually and
103 necessarily incurred in the performance of their
104 duties.

105 9. The provisions of this section shall
106 automatically expire on August 28, 2018.]

[227.817. The portion of U.S. Highway 169
2 from State Highway VV continuing to State

3 Highway DD in Clinton and Clay counties shall be
4 designated the "Championship Way". The
5 department of transportation shall erect and
6 maintain appropriate signs designating such
7 highway, with the costs to be paid by private
8 donations. This designation shall expire on
9 December 31, 2022.]

2 [252.300. 1. Sections 252.300 to 252.333
3 shall be known and may be cited as "The Missouri
4 Economic Diversification and Afforestation Act
5 of 1990".

6 2. It is the intent of sections 252.300 to
7 252.333 to address environmental, economic, and
8 social programs with a long-term, integrated
9 strategy that will result in soil conservation,
10 improved water and air quality, enhanced
11 wildlife habitat, increased job opportunities,
12 and reduced social problems, to the benefit of
all citizens of the state of Missouri.]

2 [252.303. The department may develop and
3 implement, in cooperation with the University of
4 Missouri college of agriculture, the University
5 of Missouri center for agroforestry, the
6 University of Missouri extension service, the
7 Missouri department of natural resources,
8 private industry councils and the Missouri
9 department of agriculture, an agroforestry
10 program. The program shall be designed to
11 encourage the development of a state program of
12 agroforestry, and shall encourage soil
13 conservation and diversifications of the state's
14 agricultural base through the use of trees
15 planted in an agroforestry configuration to
16 accommodate alley cropping, forested-riparian
buffers, silvopasture and windbreaks.]

2 [252.306. As used in sections 252.300 to
3 252.333, the following terms shall mean:

4 (1) "Alley cropping", planting rows of
5 trees at wide spacings and cropping the
6 alleyways;

7 (2) "Conservation reserve program", the
conservation reserve program authorized by the

8 Federal Food Security Act of 1985, as amended,
9 (Title XII, P.L. 99-198), or its successor
10 program;

11 (3) "Department", the Missouri department
12 of conservation;

13 (4) "Director", the director of the
14 Missouri department of conservation;

15 (5) "Eligible land", agricultural land
16 which is susceptible to soil erosion that has a
17 recent cropping history, marginal pastureland,
18 land surrounding livestock enclosures and
19 riparian zones;

20 (6) "Eligible practices", single or
21 multiple rows of trees, alone or combined with
22 other plants such as grass, conventional row
23 crops or horticulture crops, and animals located
24 at intervals of distance within or around
25 fields, around livestock enclosures, and along
26 streams and rivers, specifically designed to
27 provide production and environmental enhancement
28 benefits in accordance with the practices
29 identified in section 252.303;

30 (7) "Enhancement phase", the period of
31 time, not to exceed ten years, immediately
32 following the establishment phase, during which
33 payments are made by the state of Missouri to
34 landowners who use their eligible land for
35 agroforestry purposes as required by the
36 department;

37 (8) "Establishment phase", the period of
38 time during which eligible land is being
39 prepared for planting trees and developing
40 agroforestry practices, as determined by the
41 director of the department;

42 (9) "Forested-riparian buffers", a
43 combination of trees and other vegetation
44 established parallel to streams and rivers;

45 (10) "Silvopasture", combining trees with
46 forage and livestock;

47 (11) "Windbreaks", planting single or
48 multiple rows of trees for protection and
49 enhanced production of crops and animals.]

[252.309. 1. The director may enter into agreements with individual landowners to make incentive payments during the enhancement phase to landowners. Recipients of such payments shall utilize the land for which such payment is made for agroforestry purposes as required by the director pursuant to sections 252.300 to 252.333.]

2. The amount of state incentive payment made to a landowner per acre of eligible land shall be an amount which, when added to any cash or in-kind net income produced by crops raised on the land, is substantially equal to the amount per acre previously paid or which would have been paid to the landowner under the federal conservation reserve program.

3. If an application made pursuant to section 252.315 is approved by the director, the director shall develop a schedule of annual payments to be made by the state.

4. The state shall not make any payment to a landowner to maintain the use of eligible land during the enhancement phase for agroforestry purposes after ten years have elapsed since the first such incentive payment is made.]

[252.312. The state payments provided for in sections 252.309, 252.330, and 252.333 may be made from funds available to the department of conservation, soil conservation funds made available by the department of natural resources from the tax imposed by Sections 47(a), 47(b) and 47(c) of Article IV of the Constitution of Missouri, funds appropriated by the general assembly for that purpose, grants, bequests or gifts, or any combination thereof.]

[252.315. 1. To participate in the program, the landowner shall make application to the director in writing. The written application shall show the number of acres to be placed in the program and that the land which is to be placed in the agroforestry program meets the eligibility requirements of this section. The application shall also contain a detailed

9 plan of the landowner's proposal to meet the
10 requirements of sections 252.300 to 252.333,
11 including the type and number of trees to be
12 planted, established, or managed, the type of
13 compatible grass, other crops and such other
14 information as may be deemed necessary. The
15 number of trees required to satisfy eligibility
16 may vary with agroforestry practice, but in each
17 case shall be a sufficient number to guarantee
18 the success of the practice and shall be
19 consistent with standards established for each
20 practice.

21 2. The director shall review each
22 application. In reviewing the application the
23 director shall determine the type or types of
24 soil located in the area of the land proposed to
25 be included in the agroforestry program and
26 shall apply the land capability classification
27 system to determine the potential or limitations
28 of the land for inclusion in the program.
29 Before the director acts upon the application,
30 an on-site inspection shall be made by a
31 representative of the department of conservation
32 or its approved agent. The inspecting
33 representative shall attest to the efficacy of
34 the agroforestry plan to be used, the number of
35 acres to be placed under agroforestry
36 management, the species and number of trees to
37 be planted, established, or managed, and other
38 crop components of the proposed program. After
39 the report of the on-site inspector and the
40 review by the director, the director shall
41 determine the landowner's eligibility to
42 participate in the agroforestry program and
43 shall determine the amount of cost sharing,
44 including in-kind and labor components, for the
45 landowner. If the director fails to approve an
46 application, the aggrieved landowner may request
47 a hearing before the conservation commission or
48 its authorized representative within thirty days
49 of notice to the landowner of the failure of the
50 conservation department to approve the
51 application, or the landowner may proceed under
52 the provisions of section 536.150 as if the act

53 of the conservation department was one not
54 subject to administrative review. If an action
55 is brought pursuant to section 536.150, venue
56 shall be in Cole County.]

2 [252.318. 1. All land participating in
3 the agroforestry program shall be inspected
4 annually by a representative of the director, to
5 ensure that the land continues to comply with
6 the requirements of sections 252.300 to 252.333
7 and that practice specifications are being
8 maintained in accordance with applicable rules
9 and regulations.

10 2. If the annual inspection determines
11 that the land is no longer in compliance with
12 the provisions of sections 252.300 to 252.333 or
13 with the rules and regulations promulgated
14 pursuant to the provisions of sections 252.300
15 to 252.333, the director shall notify the
16 landowner of that fact and shall detail the
17 specifics in which the land fails to meet the
18 requirements. The landowner may respond to the
19 notice within thirty days of receipt, either by
20 contesting the inspection report or by providing
21 the director with a proposal to correct the
22 problems which form the basis of the notice. If
23 the landowner contests the findings of the
24 annual inspection, the aggrieved landowner may
25 request a hearing before the conservation
26 commission or its authorized representative or
27 the landowner may proceed under the provisions
28 of section 536.150, as if the act of the
29 conservation department was one not subject to
30 administrative review. If an action is brought
31 pursuant to section 536.150, venue shall be in
32 Cole County. If the landowner provides the
33 director with a proposal to correct the problems
34 which form the basis of the notice, the director
35 shall review the proposal and, if the director
36 finds such proposal acceptable, shall allow the
37 landowner to implement the proposal to correct
38 the alleged problems and shall not suspend the
39 annual payment to the landowner under the
provisions of sections 252.300 to 252.333. If

40 the landowner is unable or unwilling to correct
41 the alleged problems in a manner acceptable to
42 the director, the landowner shall not receive
43 the subsequent payments due under the provisions
44 of sections 252.300 to 252.333.]

2 [252.321. The University of Missouri
3 center for agroforestry and extension service,
4 in consultation with the director, shall
5 establish agroforestry demonstration areas, and
6 develop and deliver the educational components
of sections 252.300 to 252.333.]

2 [252.324. 1. The director may promulgate
3 rules and regulations necessary to carry out the
4 provisions of sections 252.300 to 252.333.
5 Before promulgating any such rule, the director
6 shall seek the advice and comments of the
7 University of Missouri college of agriculture,
8 the University of Missouri center for
9 agroforestry, the University of Missouri
10 extension service, the Missouri department of
11 natural resources, private industry councils,
12 the Missouri department of economic development
13 and the Missouri department of agriculture. The
14 director may seek advice and comments before
15 promulgating rules and regulations from the
16 United States Department of Agriculture and any
17 other entities deemed advisable by the
18 director. No rule or portion of a rule
19 promulgated under the authority of this chapter
20 shall become effective unless it has been
21 promulgated pursuant to the provisions of
chapter 536.

22 2. The Missouri department of conservation
23 may contract with the division of soil and water
24 conservation of the Missouri department of
25 natural resources for any administrative
26 functions required under the provisions of
27 sections 252.300 to 252.333.]

2 [252.327. 1. The department of
3 conservation and the department of economic
4 development and the University of Missouri
college of agriculture shall, by each of the

5 dates specified in subsection 2 of this section,
6 jointly produce a report on the agroforestry
7 program which:

8 (1) Provides a status report on the
9 afforestation aspects of the agroforestry
10 program by presenting a forecast of anticipated
11 economic developments from the afforestation in
12 the state as a result of the agroforestry
13 program;

14 (2) Suggests public or private sector
15 initiatives that will potentially serve to
16 maximize the economic benefits for related new
17 development and expansion of existing businesses
18 resulting from the agroforestry program;

19 (3) Suggests methods to promote the
20 development of wood and other forestry related
21 products;

22 (4) Suggests public or private sector
23 initiatives or methods which will result in
24 significant increases in job opportunities and
25 employment.

26 2. The report shall be submitted to the
27 governor and to the general assembly by January
28 thirty-first of each of the following years:
29 1996, 2001, 2006, 2011, 2016, 2021, and 2026.]

[252.330. During the establishment phase,
2 the director may pay for the planting of trees
3 on eligible land which is used for agroforestry
4 pursuant to sections 252.300 to 252.333. Such
5 payment shall be limited to expenses which are
6 determined to be reasonable and necessary by the
7 director, but shall not exceed seventy-five
8 percent of the cost of establishment.]

[252.333. The director may make incentive
2 payments for agroforestry purposes of land
3 enrolled in this program. The duration of such
4 payments shall not exceed ten years. The
5 director may also expend funds to plant trees on
6 such land. Such expenditures may include both
7 planting and associated practices as determined
8 by the director.]

[260.900. As used in sections 260.900 to 260.960, unless the context clearly indicates otherwise, the following terms mean:

(1) "Abandoned dry-cleaning facility", any real property premises or individual leasehold space in which a dry-cleaning facility formerly operated;

(2) "Active dry-cleaning facility", any real property premises or individual leasehold space in which a dry-cleaning facility currently operates;

(3) "Chlorinated dry-cleaning solvent", any dry-cleaning solvent which contains a compound which has a molecular structure containing the element chlorine;

(4) "Commission", the hazardous waste management commission created in section 260.365;

(5) "Corrective action", those activities described in subsection 1 of section 260.925;

(6) "Corrective action plan", a plan approved by the director to perform corrective action at a dry-cleaning facility;

(7) "Department", the Missouri department of natural resources;

(8) "Director", the director of the Missouri department of natural resources;

(9) "Dry-cleaning facility", a commercial establishment that operates, or has operated in the past in whole or in part for the purpose of cleaning garments or other fabrics on site utilizing a process that involves any use of dry-cleaning solvents. Dry-cleaning facility includes all contiguous land, structures and other appurtenances and improvements on the land used in connection with a dry-cleaning facility but does not include prisons, governmental entities, hotels, motels or industrial laundries. Dry-cleaning facility does include coin-operated dry-cleaning facilities;

(10) "Dry-cleaning solvent", any and all nonaqueous solvents used or to be used in the cleaning of garments and other fabrics at a dry-cleaning facility and includes but is not limited to perchloroethylene, also known as

tetrachloroethylene, chlorinated dry-cleaning, and the products into which such solvents degrade;

(11) "Dry-cleaning unit", a machine or device which utilizes dry-cleaning solvents to clean garments and other fabrics and includes any associated piping and ancillary equipment and any containment system;

(12) "Environmental response surcharge", either the active dry-cleaning facility registration surcharge or the dry-cleaning solvent surcharge;

(13) "Fund", the dry-cleaning environmental response trust fund created in section 260.920;

(14) "Immediate response to a release", containment and control of a known release in excess of a reportable quantity and notification to the department of any known release in excess of a reportable quantity;

(15) "Operator", any person who is or has been responsible for the operation of dry-cleaning operations at a dry-cleaning facility;

(16) "Owner", any person who owns the real property where a dry-cleaning facility is or has operated;

(17) "Person", an individual, trust, firm, joint venture, consortium, joint-stock company, corporation, partnership, association or limited liability company. Person does not include any governmental organization;

(18) "Release", any spill, leak, emission, discharge, escape, leak or disposal of dry-cleaning solvent from a dry-cleaning facility into the soils or waters of the state;

(19) "Reportable quantity", a known release of a dry-cleaning solvent deemed reportable by applicable federal or state law or regulation.]

[260.905. 1. The commission shall promulgate and adopt such initial rules and regulations, effective no later than July 1, 2007, as shall be necessary to carry out the

5 purposes and provisions of sections 260.900 to
6 260.960. Prior to the promulgation of such
7 rules, the commission shall meet with
8 representatives of the dry-cleaning industry and
9 other interested parties. The commission,
10 thereafter, shall promulgate and adopt
11 additional rules and regulations or change
12 existing rules and regulations when necessary to
13 carry out the purposes and provisions of
14 sections 260.900 to 260.960.

15 2. Any rule or regulation adopted pursuant
16 to sections 260.900 to 260.960 shall be
17 reasonably necessary to protect human health, to
18 preserve, protect and maintain the water and
19 other natural resources of this state and to
20 provide for prompt corrective action of releases
21 from dry-cleaning facilities. Consistent with
22 these purposes, the commission shall adopt rules
23 and regulations, effective no later than July 1,
24 2007:

25 (1) Establishing requirements that owners
26 who close dry-cleaning facilities remove dry-
27 cleaning solvents and wastes from such
28 facilities in order to prevent any future
29 releases;

30 (2) Establishing criteria to prioritize
31 the expenditure of funds from the dry-cleaning
32 environmental response trust fund. The criteria
33 shall include consideration of:

34 (a) The benefit to be derived from
35 corrective action compared to the cost of
36 conducting such corrective action;

37 (b) The degree to which human health and
38 the environment are actually affected by
39 exposure to contamination;

40 (c) The present and future use of an
41 affected aquifer or surface water;

42 (d) The effect that interim or immediate
43 remedial measures will have on future costs; and

44 (e) Such additional factors as the
45 commission considers relevant;

46 (3) Establishing criteria under which a
47 determination may be made by the department of
48 the level at which corrective action shall be

49 deemed completed. Criteria for determining
50 completion of corrective action shall be based
51 on the factors set forth in subdivision (2) of
52 this subsection and:

53 (a) Individual site characteristics
54 including natural remediation processes;

55 (b) Applicable state water quality
56 standards;

57 (c) Whether deviation from state water
58 quality standards or from established criteria
59 is appropriate, based on the degree to which the
60 desired remediation level is achievable and may
61 be reasonably and cost effectively implemented,
62 subject to the limitation that where a state
63 water quality standard is applicable, a
64 deviation may not result in the application of
65 standards more stringent than that standard; and

66 (d) Such additional factors as the
67 commission considers relevant.]

[260.910. 1. No person shall:

2 (1) Operate an active dry-cleaning
3 facility in violation of sections 260.900 to
4 260.960, rules and regulations adopted pursuant
5 to sections 260.900 to 260.960 or orders of the
6 director pursuant to sections 260.900 to
7 260.960, or operate an active dry-cleaning
8 facility in violation of any other applicable
9 federal or state environmental statutes, rules
10 or regulations;

11 (2) Prevent or hinder a properly
12 identified officer or employee of the department
13 or other authorized agent of the director from
14 entering, inspecting, sampling or responding to
15 a release at reasonable times and with
16 reasonable advance notice to the operator as
17 authorized by sections 260.900 to 260.960;

18 (3) Knowingly make any false material
19 statement or representation in any record,
20 report or other document filed, maintained or
21 used for the purpose of compliance with sections
22 260.900 to 260.960;

23 (4) Knowingly destroy, alter or conceal
24 any record required to be maintained by sections

25 260.900 to 260.960 or rules and regulations
26 adopted pursuant to sections 260.900 to 260.960;

27 (5) Willfully allow a release in excess of
28 a reportable quantity or knowingly fail to make
29 an immediate response to a release in accordance
30 with sections 260.900 to 260.960 and rules and
31 regulations pursuant to sections 260.900 to
32 260.960.

33 2. The director may bring a civil damages
34 action against any person who violates any
35 provisions of subsection 1 of this section.
36 Such civil damages may be assessed in an amount
37 not to exceed five hundred dollars for each
38 violation and are in addition to any other
39 penalty assessed by law.

40 3. In assessing any civil damages pursuant
41 to this section, a court of competent
42 jurisdiction shall consider, when applicable,
43 the following factors:

44 (1) The extent to which the violation
45 presents a hazard to human health;

46 (2) The extent to which the violation has
47 or may have an adverse effect on the environment;

48 (3) The amount of the reasonable costs
49 incurred by the state in detection and
50 investigation of the violation; and

51 (4) The economic savings realized by the
52 person in not complying with the provision for
53 which a violation is charged.]

2 [260.915. Each operator of an active dry-
3 cleaning facility shall register with the
4 department on a form provided by the department
5 according to procedures established by the
6 department by rule.]

2 [260.920. 1. There is hereby created
3 within the state treasury a fund to be known as
4 the "Dry-cleaning Environmental Response Trust
5 Fund". All moneys received from the
6 environmental response surcharges, fees, gifts,
7 bequests, donations and moneys recovered by the
8 state pursuant to sections 260.900 to 260.960,
9 except for any moneys paid under an agreement
with the director or as civil damages, or any

10 other money so designated shall be deposited in
11 the state treasury to the credit of the dry-
12 cleaning environmental response trust fund, and
13 shall be invested to generate income to the
14 fund. Notwithstanding the provisions of section
15 33.080, the unexpended balance in the dry-
16 cleaning environmental response trust fund at
17 the end of each fiscal year shall not be
18 transferred to the general revenue fund.

19 2. Moneys in the fund may be expended for
20 only the following purposes and for no other
21 governmental purpose:

22 (1) The direct costs of administration and
23 enforcement of sections 260.900 to 260.960; and

24 (2) The costs of corrective action as
25 provided in section 260.925.

26 3. The state treasurer is authorized to
27 deposit all of the moneys in the dry-cleaning
28 environmental response trust fund in any of the
29 qualified depositories of the state. All such
30 deposits shall be secured in such a manner and
31 shall be made upon such terms and conditions as
32 are now or may hereafter be provided by law
33 relative to state deposits. Interest received
34 on such deposits shall be credited to the dry-
35 cleaning environmental response trust fund.

36 4. Any funds received pursuant to sections
37 260.900 to 260.960 and deposited in the dry-
38 cleaning environmental response trust fund shall
39 not be considered a part of "total state
40 revenue" as provided in Sections 17 and 18 of
41 Article X of the Missouri Constitution.]

[260.925. 1. On and after July 1, 2002,
2 moneys in the fund shall be utilized to address
3 contamination resulting from releases of dry-
4 cleaning solvents as provided in sections
5 260.900 to 260.960. Whenever a release poses a
6 threat to human health or the environment, the
7 department, consistent with rules and
8 regulations adopted by the commission pursuant
9 to subdivisions (2) and (3) of subsection 2 of
10 section 260.905, shall expend moneys available
11 in the fund to provide for:

12 (1) Investigation and assessment of a
13 release from a dry-cleaning facility, including
14 costs of investigations and assessments of
15 contamination which may have moved off of the
16 dry-cleaning facility;

17 (2) Necessary or appropriate emergency
18 action, including but not limited to treatment,
19 restoration or replacement of drinking water
20 supplies, to assure that the human health or
21 safety is not threatened by a release or
22 potential release;

23 (3) Remediation of releases from dry-
24 cleaning facilities, including contamination
25 which may have moved off of the dry-cleaning
26 facility, which remediation shall consist of the
27 preparation of a corrective action plan and the
28 cleanup of affected soil, groundwater and
29 surface waters, using an alternative that is
30 cost-effective, technologically feasible and
31 reliable, provides adequate protection of human
32 health and environment and to the extent
33 practicable minimizes environmental damage;

34 (4) Operation and maintenance of
35 corrective action;

36 (5) Monitoring of releases from dry-
37 cleaning facilities including contamination
38 which may have moved off of the dry-cleaning
39 facility;

40 (6) Payment of reasonable costs incurred
41 by the director in providing field and
42 laboratory services;

43 (7) Reasonable costs of restoring property
44 as nearly as practicable to the condition that
45 existed prior to activities associated with the
46 investigation of a release or cleanup or
47 remediation activities;

48 (8) Removal and proper disposal of wastes
49 generated by a release of a dry-cleaning
50 solvent; and

51 (9) Payment of costs of corrective action
52 conducted by the department or by entities other
53 than the department but approved by the
54 department, whether or not such corrective
55 action is set out in a corrective action plan;

56 except that, there shall be no reimbursement for
57 corrective action costs incurred before August
58 28, 2000.

59 2. Nothing in subsection 1 of this section
60 shall be construed to authorize the department
61 to obligate moneys in the fund for payment of
62 costs that are not integral to corrective action
63 for a release of dry-cleaning solvents from a
64 dry-cleaning facility. Moneys from the fund
65 shall not be used:

66 (1) For corrective action at sites that
67 are contaminated by solvents normally used in
68 dry-cleaning operations where the contamination
69 did not result from the operation of a dry-
70 cleaning facility;

71 (2) For corrective action at sites, other
72 than dry-cleaning facilities, that are
73 contaminated by dry-cleaning solvents which were
74 released while being transported to or from a
75 dry-cleaning facility;

76 (3) To pay any fine or penalty brought
77 against a dry-cleaning facility operator under
78 state or federal law;

79 (4) To pay any costs related to corrective
80 action at a dry-cleaning facility that has been
81 included by the United States Environmental
82 Protection Agency on the national priorities
83 list;

84 (5) For corrective action at sites with
85 active dry-cleaning facilities where the owner
86 or operator is not in compliance with sections
87 260.900 to 260.960, rules and regulations
88 adopted pursuant to sections 260.900 to 260.960,
89 orders of the director pursuant to sections
90 260.900 to 260.960, or any other applicable
91 federal or state environmental statutes, rules
92 or regulations; or

93 (6) For corrective action at sites with
94 abandoned dry-cleaning facilities that have been
95 taken out of operation prior to July 1, 2009,
96 and not documented by or reported to the
97 department by July 1, 2009. Any person
98 reporting such a site to the department shall

include any available evidence that the site once contained a dry-cleaning facility.

3. Nothing in sections 260.900 to 260.960 shall be construed to restrict the department from temporarily postponing completion of corrective action for which moneys from the fund are being expended whenever such postponement is deemed necessary in order to protect public health and the environment.

4. At any multisource site, the department shall utilize the moneys in the fund to pay for the proportionate share of the liability for corrective action costs which is attributable to a release from one or more dry-cleaning facilities and for that proportionate share of the liability only.

5. At any multisource site, the director is authorized to make a determination of the relative liability of the fund for costs of corrective action, expressed as a percentage of the total cost of corrective action at a site, whether known or unknown. The director shall issue an order establishing such percentage of liability. Such order shall be binding and shall control the obligation of the fund until or unless amended by the director. In the event of an appeal from such order, such percentage of liability shall be controlling for costs incurred during the pendency of the appeal.

6. Any authorized officer, employee or agent of the department, or any person under order or contract with the department, may enter onto any property or premises, at reasonable times and with reasonable advance notice to the operator, to take corrective action where the director determines that such action is necessary to protect the public health or environment. If consent is not granted by the operator regarding any request made by any officer, employee or agent of the department, or any person under order or contract with the department, under the provisions of this section, the director may issue an order directing compliance with the request. The

order may be issued after such notice and opportunity for consultation as is reasonably appropriate under the circumstances.

7. Notwithstanding any other provision of sections 260.900 to 260.960, in the discretion of the director, an operator may be responsible for up to one hundred percent of the costs of corrective action attributable to such operator if the director finds, after notice and an opportunity for a hearing in accordance with chapter 536 that:

(1) Requiring the operator to bear such responsibility will not prejudice another owner, operator or person who is eligible, pursuant to the provisions of sections 260.900 to 260.960, to have corrective action costs paid by the fund; and

(2) The operator:

(a) Caused a release in excess of a reportable quantity by willful or wanton actions and such release was caused by operating practices in violation of existing laws and regulations at the time of the release; or

(b) Is in arrears for moneys owed pursuant to sections 260.900 to 260.960, after notice and an opportunity to correct the arrearage; or

(c) Materially obstructs the efforts of the department to carry out its obligations pursuant to sections 260.900 to 260.960; except that, the exercise of legal rights shall not constitute a substantial obstruction; or

(d) Caused or allowed a release in excess of a reportable quantity because of a willful material violation of sections 260.900 to 260.960 or the rules and regulations adopted by the commission pursuant to sections 260.900 to 260.960.

8. For purposes of subsection 7 of this section, unless a transfer is made to take advantage of the provisions of subsection 7 of this section, purchasers of stock or other indicia of ownership and other successors in interest shall not be considered to be the same owner or operator as the seller or transferor of

such stock or indicia of ownership even though there may be no change in the legal identity of the owner or operator. To the extent that an owner or operator is responsible for corrective action costs pursuant to subsection 7 of this section, such owner or operator shall not be entitled to the exemption provided in subsection 5 of section 260.930.

9. The fund shall not be liable for the payment of costs in excess of one million dollars at any one contaminated dry-cleaning site. Additionally, the fund shall not be liable for the payment of costs for any one site in excess of twenty-five percent of the total moneys in the fund during any fiscal year. For purposes of this subsection, "contaminated dry-cleaning site" means the areal extent of soil or ground water contaminated with dry-cleaning solvents.

10. The owner or operator of an active dry-cleaning facility shall be liable for the first twenty-five thousand dollars of corrective action costs incurred because of a release from an active dry-cleaning facility. The owner of an abandoned dry-cleaning facility shall be liable for the first twenty-five thousand dollars of corrective action costs incurred because of a release from an abandoned dry-cleaning facility. Nothing in this subsection shall be construed to prohibit the department from taking corrective action because the department cannot obtain the deductible.】

【260.930. 1. Neither the state of Missouri, the fund, the commission, the director nor the department or agent or employees thereof shall be liable for loss of business, damages or taking of property associated with any corrective action taken pursuant to sections 260.900 to 260.960.

2. Nothing in sections 260.900 to 260.960 shall establish or create any liability or responsibility on the part of the commission, the director, the department or the state of

Missouri, or agents or employees thereof, to pay any corrective action costs from any source other than the fund or to take corrective action if the moneys in the fund are insufficient to do so.

3. Nothing in sections 260.900 to 260.960 shall be construed to abrogate or limit any right, remedy, causes of action, or claim by any person sustaining personal injury or property damage as a result of any release from a dry-cleaning facility, nor shall anything in sections 260.900 to 260.960 be construed to abrogate or limit any liability of any person in any way responsible for any release from a dry-cleaning facility or any damages for personal injury or property damages caused by such a release.

4. Moneys in the fund shall not be used for compensating third parties for bodily injury or property damage caused by a release from a dry-cleaning facility, other than property damage included in the corrective action plan approved by the director.

5. To the extent that an operator, owner or other person is eligible pursuant to the provisions of sections 260.900 to 260.960 to have corrective action costs paid by the fund, no administrative or judicial claim may be made under state law against any such operator, owner or other person by or on behalf of a state or local government or by any person to either compel corrective action at the dry-cleaning facility site or seek recovery of the costs of corrective action at the dry-cleaning facility which result from the release of dry-cleaning solvents from that dry-cleaning facility or to compel corrective action or seek recovery of the costs of corrective action which result from the release of dry-cleaning solvents from a dry-cleaning facility. The provisions of this subsection shall apply to any dry-cleaning facility or dry-cleaning facility site which has been included in a corrective action plan approved by the director. The director shall

56 only approve a corrective action plan after
57 making a determination that a sufficient balance
58 in the fund exists to implement the plan. No
59 administrative or judicial claim may be made
60 unless the director has rejected the corrective
61 action plan submitted pursuant to section
62 260.925.]

2 [260.935. 1. Every active dry-cleaning
3 facility shall pay, in addition to any other
4 environmental response surcharges, an annual dry-
5 cleaning facility registration surcharge as
6 follows:

7 (1) Five hundred dollars for facilities
8 which use no more than one hundred forty gallons
9 of chlorinated solvents;

10 (2) One thousand dollars for facilities
11 which use more than one hundred forty gallons of
12 chlorinated solvents and less than three hundred
13 sixty gallons of chlorinated solvents per year;
14 and

15 (3) Fifteen hundred dollars for facilities
16 which use at least three hundred sixty gallons
17 of chlorinated solvents per year.

18 2. The active dry-cleaning facility
19 registration surcharge imposed by this section
20 shall be reported and paid to the department on
21 an annual basis. The commission shall prescribe
22 by administrative rule the procedure for the
23 report and payment required by this section.

24 3. The department shall provide each
25 person who pays a dry-cleaning facility
26 registration surcharge pursuant to this section
27 with a receipt. The receipt or the copy of the
28 receipt shall be produced for inspection at the
29 request of any authorized representative of the
30 department.

31 4. All moneys collected or received by the
32 department pursuant to this section shall be
33 transmitted to the department of revenue for
34 deposit in the state treasury to the credit of
35 the dry-cleaning environmental response trust
36 fund created in section 260.920. Following each
annual reporting date, the state treasurer shall

37 certify the amount deposited in the fund to the
38 department.

39 5. If any person does not pay the active
40 dry-cleaning facility registration surcharge or
41 any portion of the active dry-cleaning facility
42 registration surcharge imposed by this section
43 by the date prescribed for such payment, the
44 department shall impose and such person shall
45 pay, in addition to the active dry-cleaning
46 facility registration surcharge owed by such
47 person, a penalty of fifteen percent of the
48 active dry-cleaning facility registration
49 surcharge. Such penalty shall be deposited in
50 the dry-cleaning environmental response trust
51 fund.

52 6. If any person does not pay the active
53 dry-cleaning facility registration surcharge or
54 any portion of the active dry-cleaning facility
55 registration surcharge imposed by this section
56 by the date prescribed for such payment, the
57 department shall also impose interest upon the
58 unpaid amount at the rate of ten percent per
59 annum from the date prescribed for the payment
60 of such surcharge and penalties until payment is
61 actually made. Such interest shall be deposited
62 in the dry-cleaning environmental response trust
63 fund.]

2 [260.940. 1. Every seller or provider of
dry-cleaning solvent for use in this state shall
3 pay, in addition to any other environmental
4 response surcharges, a dry-cleaning solvent
5 surcharge on the sale or provision of dry-
6 cleaning solvent.

7 2. The amount of the dry-cleaning solvent
8 surcharge imposed by this section on each gallon
9 of dry-cleaning solvent shall be an amount equal
10 to the product of the solvent factor for the dry-
11 cleaning solvent and the rate of eight dollars
12 per gallon.

13 3. The solvent factor for each dry-
14 cleaning solvent is as follows:

15 (1) For perchloroethylene, the solvent
16 factor is 1.00;

17 (2) For 1,1,1-trichloroethane, the solvent
18 factor is 1.00; and

19 (3) For other chlorinated dry-cleaning
20 solvents, the solvent factor is 1.00.

21 4. In the case of a fraction of a gallon,
22 the dry-cleaning solvent surcharge imposed by
23 this section shall be the same fraction of the
24 fee imposed on a whole gallon.

25 5. The dry-cleaning solvent surcharge
26 required in this section shall be paid to the
27 department by the seller or provider of the dry-
28 cleaning solvent, regardless of the location of
29 such seller or provider.

30 6. The dry-cleaning solvent surcharge
31 required in this section shall be paid by the
32 seller or provider on a quarterly basis and
33 shall be paid to the department for the previous
34 quarter. The commission shall prescribe by
35 administrative rule the procedure for the
36 payment required by this section.

37 7. The department shall provide each
38 person who pays a dry-cleaning solvent surcharge
39 pursuant to this section with a receipt. The
40 receipt or the copy of the receipt shall be
41 produced for inspection at the request of any
42 authorized representative of the department.

43 8. All moneys collected or received by the
44 department pursuant to this section shall be
45 transmitted to the department of revenue for
46 deposit in the state treasury to the credit of
47 the dry-cleaning environmental response trust
48 fund created in section 260.920. Following each
49 annual or quarterly reporting date, the state
50 treasurer shall certify the amount deposited to
51 the department.

52 9. If any seller or provider of dry-
53 cleaning solvent fails or refuses to pay the dry-
54 cleaning solvent surcharge imposed by this
55 section, the department shall impose and such
56 seller or provider shall pay, in addition to the
57 dry-cleaning solvent surcharge owed by the
58 seller or provider, a penalty of fifteen percent
59 of the dry-cleaning solvent surcharge. Such

60 penalty shall be deposited in the dry-cleaning
61 environmental response trust fund.

62 10. If any person does not pay the dry-
63 cleaning solvent surcharge or any portion of the
64 dry-cleaning solvent surcharge imposed by this
65 section by the date prescribed for such payment,
66 the department shall impose and such person
67 shall pay interest upon the unpaid amount at the
68 rate of ten percent per annum from the date
69 prescribed for the payment of such surcharge and
70 penalties until payment is actually made. Such
71 interest shall be deposited in the dry-cleaning
72 environmental response trust fund.

73 11. An operator of a dry-cleaning facility
74 shall not purchase or obtain solvent from a
75 seller or provider who does not pay the dry-
76 cleaning solvent charge, as provided in this
77 section. Any operator of a dry-cleaning
78 facility who fails to obey the provisions of
79 this section shall be required to pay the dry-
80 cleaning solvent surcharge as provided in
81 subsections 2, 3 and 4 of this section for any
82 dry-cleaning solvent purchased or obtained from
83 a seller or provider who fails to pay the proper
84 dry-cleaning solvent surcharge as determined by
85 the department. Any operator of a dry-cleaning
86 facility who fails to follow the provisions of
87 this subsection shall also be charged a penalty
88 of fifteen percent of the dry-cleaning solvent
89 surcharge owed. Any operator of a dry-cleaning
90 facility who fails to obey the provisions of
91 this subsection shall also be subject to the
92 interest provisions of subsection 10 of this
93 section. If a seller or provider of dry-
94 cleaning solvent charges the operator of a dry-
95 cleaning facility the dry-cleaning solvent
96 surcharge provided for in this section when the
97 solvent is purchased or obtained by the operator
98 and the operator can prove that the operator
99 made full payment of the surcharge to the seller
100 or provider but the seller or provider fails to
101 pay the surcharge to the department as required
102 by this section, then the operator shall not be
103 liable pursuant to this subsection for interest,

104 penalties or the seller's or provider's unpaid
105 surcharge. Such surcharges, penalties and
106 interest shall be collected by the department,
107 and all moneys collected pursuant to this
108 subsection shall be deposited in the dry-
109 cleaning environmental response trust fund.]

[260.945. 1. If the unobligated principal
2 of the fund equals or exceeds five million
3 dollars on April first of any year, the active
4 dry-cleaning facility registration surcharge
5 imposed by section 260.935 and the dry-cleaning
6 solvent surcharge imposed by section 260.940
7 shall not be collected on or after the next July
8 first until such time as on April first of any
9 year thereafter the unobligated principal
10 balance of the fund equals two million dollars
11 or less, then the active dry-cleaning facility
12 registration surcharge imposed by section
13 260.935 and the dry-cleaning solvent surcharge
14 imposed by section 260.940 shall again be
15 collected on and after the next July first.

16 2. Not later than April fifth of each
17 year, the state treasurer shall notify the
18 department of the amount of the unobligated
19 balance of the fund on April first of such
20 year. Upon receipt of the notice, the
21 department shall notify the public if the active
22 dry-cleaning facility registration surcharge
23 imposed by section 260.935 and the dry-cleaning
24 solvent surcharge imposed by section 260.940
25 will terminate or be payable on the following
26 July first.

27 3. Moneys in the fund shall not be
28 expended pursuant to sections 260.900 to 260.960
29 prior to July 1, 2002.]

[260.950. 1. All final orders and
2 determinations of the commission or the
3 department made pursuant to the provisions of
4 sections 260.900 to 260.960 are subject to
5 judicial review pursuant to the provisions of
6 chapter 536. All final orders and
7 determinations shall be deemed administrative
8 decisions as that term is defined in chapter

9 536; provided that, no judicial review shall be
10 available, unless all administrative remedies
11 are exhausted.

12 2. In any suit filed pursuant to section
13 536.050 concerning the validity of the
14 commission's or department's standards, rules or
15 regulations, the court shall review the record
16 made before the commission or department to
17 determine the validity and such reasonableness
18 of such standards, rules or regulations and may
19 hear such additional evidence as it deems
20 necessary.]

[260.955. The department shall annually
2 transmit a report to the general assembly and
3 the governor regarding:

4 (1) Receipts of the fund during the
5 preceding calendar year and the sources of the
6 receipts;

7 (2) Disbursements from the fund during the
8 preceding calendar year and the purposes of the
9 disbursements;

10 (3) The extent of corrective action taken
11 pursuant to sections 260.900 to 260.960 during
12 the preceding calendar year; and

13 (4) The prioritization of sites for
14 expenditures from the fund.]

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

2 [260.965. The provisions of sections
260.900 to 260.965 shall expire August 28, 2017.]

2 [301.213. 1. Notwithstanding the
provisions of sections 301.200 and 301.210, any
3 person licensed as a motor vehicle dealer under
4 sections 301.550 to 301.580 that has provided to
5 the director of revenue a surety bond or
6 irrevocable letter of credit in an amount not
7 less than one hundred thousand dollars in a form
8 which complies with the requirements of section
9 301.560 and in lieu of the fifty thousand dollar
10 bond otherwise required for licensure as a motor
11 vehicle dealer shall be authorized to purchase
12 or accept in trade any motor vehicle for which
13 there has been issued a certificate of
14 ownership, and to receive such vehicle subject
15 to any existing liens thereon created and
16 perfected under sections 301.600 to 301.660
17 provided the licensed dealer receives the
18 following:

19 (1) A signed written contract between the
20 licensed dealer and the owner of the vehicle
21 outlining the terms of the sale or acceptance in
22 trade of such motor vehicle without transfer of
23 the certificate of ownership; and

24 (2) Physical delivery of the vehicle to
25 the licensed dealer; and

26 (3) A power of attorney from the owner to
27 the licensed dealer, in accordance with
28 subsection 4 of section 301.300, authorizing the
29 licensed dealer to obtain a duplicate or
30 replacement title in the owner's name and sign
31 any title assignments on the owner's behalf.

32 2. If the dealer complies with the
33 requirements of subsection 1 of this section,
34 the sale or trade of the vehicle to the dealer
35 shall be considered final, subject to any
36 existing liens created and perfected under
37 sections 301.600 to 301.660. Once the prior
38 owner of the motor vehicle has physically
39 delivered the motor vehicle to the licensed
40 dealer, the prior owners' insurable interest in
41 such vehicle shall cease to exist.

42 3. If a licensed dealer complies with the
43 requirements of subsection 1 of this section,
44 and such dealer has provided to the director of
45 revenue a surety bond or irrevocable letter of
46 credit in amount not less than one hundred
47 thousand dollars in a form which complies with
48 the requirements of section 301.560 and in lieu
49 of the fifty thousand dollar bond otherwise
50 required for licensure as a motor vehicle
51 dealer, such dealer may sell such vehicle prior
52 to receiving and assigning to the purchaser the
53 certificate of ownership, provided such dealer
54 complies with the following:

55 (1) All outstanding liens created on the
56 vehicle pursuant to sections 301.600 to 301.660
57 have been paid in full, and the dealer provides
58 a copy of proof or other evidence to the
59 purchaser; and

60 (2) The dealer has obtained proof or other
61 evidence from the department of revenue
62 confirming that no outstanding child support
63 liens exist upon the vehicle at the time of sale
64 and provides a copy of said proof or other
65 evidence to the purchaser; and

66 (3) The dealer has obtained proof or other
67 evidence from the department of revenue
68 confirming that all applicable state sales tax
69 has been satisfied on the sale of the vehicle to
70 the previous owner and provides a copy of said
71 proof or other evidence to the purchaser; and

72 (4) The dealer has signed an application
73 for duplicate or replacement title for the
74 vehicle under subsection 4 of section 301.300
75 and provides a copy of the application to the
76 purchaser, along with a copy of the power of
77 attorney required by subsection 1 of this
78 section, and the dealer has prepared and
79 delivered to the purchaser an application for
80 title for the vehicle in the purchaser's name;
81 and

82 (5) The dealer and the purchaser have
83 entered into a written agreement for the
84 subsequent assignment and delivery of such
85 certificate of ownership, on a form prescribed

86 by the director of revenue, to take place at a
87 time, not to exceed sixty calendar days, after
88 the time of delivery of the motor vehicle to the
89 purchaser. Such agreement shall require the
90 purchaser to provide to the dealer proof of
91 financial responsibility in accordance with
92 chapter 303 and proof of comprehensive and
93 collision coverage on the motor vehicle. Such
94 dealer shall maintain the original or an
95 electronic copy of the signed agreement and
96 deliver a copy of the signed agreement to the
97 purchaser. Such dealer shall also complete and
98 deliver to the director of revenue such form as
99 the director shall prescribe demonstrating that
100 the purchaser has purchased the vehicle without
101 contemporaneous delivery of the title.
102 Notwithstanding any provision of law to the
103 contrary, completion of the requirements of this
104 subsection shall constitute prima facie evidence
105 of an ownership interest vested in the purchaser
106 of the vehicle for all purposes other than for a
107 subsequent transfer of ownership of the vehicle
108 by the purchaser, subject to the rights of any
109 secured lienholder of record; however, the
110 purchaser may use the dealer-supplied copy of
111 the agreement to transfer his or her ownership
112 of the vehicle to an insurance company in
113 situations where the vehicle has been declared
114 salvage or a total loss by the insurance company
115 as a result of a settlement of a claim. Such
116 insurance company may apply for a salvage
117 certificate of title or junking certificate
118 pursuant to the provisions of subsection 3 of
119 section 301.193 in order to transfer its
120 interest in such vehicle. The purchaser may
121 also use the dealer-supplied copy of the
122 agreement on the form prescribed by the director
123 of revenue as proof of ownership interest. Any
124 lender or insurance company may rely upon a copy
125 of the signed written agreement on the form
126 prescribed by the director of revenue as proof
127 of ownership interest. Any lien placed upon a
128 vehicle based upon such signed written agreement

shall be valid and enforceable, notwithstanding the absence of a certificate of ownership.

4. Following a sale or other transaction in which a certificate of ownership has not been assigned from the owner to the licensed dealer, the dealer shall, within ten business days, apply for a duplicate or replacement certificate of ownership. Upon receipt of a duplicate or replacement certificate of ownership applied for under subsection 4 of section 301.300, the dealer shall assign and deliver said certificate of ownership to the purchaser of the vehicle within five business days. The dealer shall maintain proof of the assignment and delivery of the certificate of ownership to the purchaser. For purposes of this subsection, a dealer shall be deemed to have delivered the certificate of ownership to the purchaser upon either:

(1) Physical delivery of the certificate of ownership to any of the purchasers identified in the contract with such dealer; or

(2) Mailing of the certificate, postage prepaid, return receipt requested, to any of the purchasers at any of their addresses identified in the contract with such dealer.

5. If a licensed dealer fails to comply with subsection 3 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees.

6. If a licensed dealer fails or is unable to comply with subsection 4 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees. If the dealer cannot be found by the purchaser after making reasonable attempts, or if the dealer fails to assign and deliver the duplicate or replacement certificate of ownership to the purchaser by the date agreed upon by the dealer and the purchaser, as required by subsection 4 of this section, then the purchaser may deliver

to the director a copy of the contract for sale of the vehicle, a copy of the application for duplicate title provided by the dealer to the purchaser, a copy of the secure power of attorney allowing the dealer to assign the duplicate title, and the proof or other evidence obtained by the purchaser from the dealer under subsection 3 of this section. Thereafter, the director shall mail by certified mail, return receipt requested, a notice to the dealer at the last address given to the department by that dealer. That notice shall inform the dealer that the director intends to cancel any prior certificate of title which may have been issued to the dealer on the vehicle and issue to the purchaser a certificate of title in the name of the purchaser, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle, unless the dealer, within ten business days from the date of the director's notice, files with the director a written objection to the director taking such action. If the dealer does file a timely, written objection with the director, then the director shall not take any further action without an order from a court of competent jurisdiction. However, if the dealer does not file a timely, written objection with the director, then the director shall cancel the prior certificate of title issued to the dealer on the vehicle and issue a certificate of title to the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle and subject to the purchaser satisfying all applicable taxes and fees associated with registering the vehicle.

7. If a seller misrepresents to a dealer that the seller is the owner of a vehicle and the dealer, the owner, any subsequent purchaser, or any prior or subsequent lienholder is thereby damaged, then the seller shall be liable to each such party for actual and punitive damages, plus court costs and reasonable attorney fees.

216 8. When a lienholder is damaged as a
217 result of a licensed dealer's acts, errors,
218 omissions, or violations of this section, then
219 the dealer shall be liable to the lienholder for
220 actual damages, plus court costs and reasonable
221 attorney fees.

222 9. No court costs or attorney fees shall
223 be awarded under this section unless, prior to
224 filing any such action, the following conditions
225 have been met:

226 (1) The aggrieved party seeking damages
227 has delivered an itemized written demand of the
228 party's actual damages to the party from whom
229 damages are sought; and

230 (2) The party from whom damages are sought
231 has not satisfied the written demand within
232 thirty days after receipt of the written demand.

233 10. The department of revenue may use a
234 dealer's repeated or intentional violation of
235 this section as a cause to suspend, revoke, or
236 refuse to issue or renew any license required
237 pursuant to sections 301.550 to 301.580, in
238 addition to the causes set forth in section
239 301.562. The hearing process shall be the same
240 as that established in subsection 6 of section
241 301.562.

242 11. No dealer shall enter into a contract
243 under this section after December 31, 2020. Any
244 contract entered into prior to December 31,
245 2020, shall be enforceable as provided in this
246 section. This section shall be repealed
247 effective December 31, 2020.]

2 [319.140. 1. There is established a task
3 force of the general assembly to be known as the
4 "Task Force on the Petroleum Storage Tank
5 Insurance Fund". Such task force shall be
6 composed of eight members. Three members shall
7 be from the house of representatives with two
8 appointed by the speaker of the house of
9 representatives and one appointed by the
10 minority floor leader of the house of
11 representatives. Three members shall be from
the senate with two appointed by the president

12 pro tempore of the senate and one appointed by
13 the minority floor leader of the senate. Two
14 members shall be industry stakeholders with one
15 appointed by the speaker of the house of
16 representatives and one appointed by the
17 president pro tempore of the senate. No more
18 than two members from either the house of
19 representatives or the senate shall be from the
20 same political party. A majority of the task
21 force shall constitute a quorum.

22 2. The task force shall conduct research
23 and compile a report for delivery to the general
24 assembly by December 31, 2018, on the following:

25 (1) The efficacy of the petroleum storage
26 tank insurance fund and program;

27 (2) The sustainability of the petroleum
28 storage tank insurance fund and program;

29 (3) The administration of the petroleum
30 storage tank insurance fund and program;

31 (4) The availability of private insurance
32 for above- and below-ground petroleum storage
33 tanks, and the necessity of insurance subsidies
34 created through the petroleum storage tank
35 insurance program;

36 (5) Compliance with federal programs,
37 regulations, and advisory reports; and

38 (6) The comparability of the petroleum
39 storage tank insurance program to other states'
40 programs and states without such programs.

41 3. The task force shall meet within thirty
42 days after its creation and organize by
43 selecting a chairperson and vice chairperson,
44 one of whom shall be a member of the senate and
45 the other a member of the house of
46 representatives. Thereafter, the task force may
47 meet as often as necessary in order to
48 accomplish the tasks assigned to it.

49 4. The task force shall be staffed by
50 legislative staff as necessary to assist the
51 task force in the performance of its duties.

52 5. The members of the task force shall
53 serve without compensation but shall be entitled
54 to reimbursement for actual and necessary

55 expenses incurred in the performance of their
56 official duties.

57 6. This section shall expire on December
58 31, 2018.]

[320.093. 1. Any person, firm or
2 corporation who purchases a dry fire hydrant, as
3 defined in section 320.273, or provides an
4 acceptable means of water storage for such dry
5 fire hydrant including a pond, tank or other
6 storage facility with the primary purpose of
7 fire protection within the state of Missouri,
8 shall be eligible for a credit on income taxes
9 otherwise due pursuant to chapter 143, except
10 sections 143.191 to 143.261, as an incentive to
11 implement safe and efficient fire protection
12 controls. The tax credit, not to exceed five
13 thousand dollars, shall be equal to fifty
14 percent of the cost in actual expenditure for
15 any new water storage construction, equipment,
16 development and installation of the dry hydrant,
17 including pipes, valves, hydrants and labor for
18 each such installation of a dry hydrant or new
19 water storage facility. The amount of the tax
20 credit claimed for in-kind contributions shall
21 not exceed twenty-five percent of the total
22 amount of the contribution for which the tax
23 credit is claimed.

24 2. Any amount of credit which exceeds the
25 tax due shall not be refunded but may be carried
26 over to any subsequent taxable year, not to
27 exceed seven years. The person, firm or
28 corporation may elect to assign to a third party
29 the approved tax credit. The certificate of
30 assignment and other appropriate forms shall be
31 filed with the Missouri department of revenue
32 and the department of economic development.

33 3. The person, firm or corporation shall
34 make application for the credit to the
35 department of economic development after
36 receiving approval of the state fire marshal.
37 The fire marshal shall establish by rule
38 promulgated pursuant to chapter 536 the
39 requirements to be met based on the National

Resources Conservation Service's Dry Hydrant Standard. The state fire marshal or designated local representative shall review and authorize the construction and installation of any dry fire hydrant site. Only approved dry fire hydrant sites shall be eligible for tax credits as indicated in this section. Under no circumstance shall such authority deny any entity the ability to provide a dry fire hydrant site when tax credits are not requested.

4. The department of public safety shall certify to the department of revenue that the dry hydrant system meets the requirements to obtain a tax credit as specified in subsection 5 of this section.

5. In order to qualify for a tax credit under this section, a dry hydrant or new water storage facility shall meet the following minimum requirements:

(1) Each body of water or water storage structure shall be able to provide two hundred fifty gallons per minute for a continuous two-hour period during a fifty-year drought or freeze at a vertical lift of eighteen feet;

(2) Each dry hydrant shall be located within twenty-five feet of an all-weather roadway and shall be accessible to fire protection equipment;

(3) Dry hydrants shall be located a reasonable distance from other dry or pressurized hydrants; and

(4) The site shall provide a measurable economic improvement potential for rural development.

6. New credits shall not be awarded under this section after August 28, 2010. The total amount of all tax credits allowed pursuant to this section is five hundred thousand dollars in any one fiscal year as approved by the director of the department of economic development.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it

84 complies with and is subject to all of the
85 provisions of chapter 536 and, if applicable,
86 section 536.028. This section and chapter 536
87 are nonseverable and if any of the powers vested
88 with the general assembly pursuant to chapter
89 536 to review, to delay the effective date or to
90 disapprove and annul a rule are subsequently
91 held unconstitutional, then the grant of
92 rulemaking authority and any rule proposed or
93 adopted after August 28, 2007, shall be invalid
94 and void.]

[332.304. The specific duties of the
2 committee shall include the following:

3 (1) Designing a training program for
4 dental hygienists which allows coursework to be
5 completed off-site from the educational
6 institution, and clinical and didactic training
7 to be delivered in the office of a dentist
8 licensed under this chapter, if such offsite
9 dental office is a part of an accredited dental
10 hygiene program through the Commission on Dental
11 Accreditation of the American Dental Association
12 as an extended campus facility or any other
13 facility approved by the council on dental
14 accreditation;

15 (2) Developing suggestions for the
16 creation of a contract between the department
17 and an institution of higher education to
18 establish the training program designed under
19 subdivision (1) of this section;

20 (3) Analyzing issues relating to the
21 curriculum, funding, and administration of the
22 training program designed under subdivision (1)
23 of this section; and

24 (4) On or before November 1, 2005,
25 delivering to both houses of the general
26 assembly and the governor a report on the
27 training program designed under subdivision (1)
28 of this section and any suggestions developed
29 and analysis made under subdivisions (2) and (3)
30 of this section.]

2 [332.305. The committee shall dissolve
3 upon delivery of the report required under
subdivision (4) of section 332.304.]

2 [334.153. 1. No person other than a
3 physician licensed under this chapter shall
4 perform the following interventions in the
5 course of diagnosing or treating pain which is
6 chronic, persistent and intractable, or occurs
7 outside of a surgical, obstetrical, or
postoperative course of care:

8 (1) Ablation of targeted nerves;

9 (2) Percutaneous precision needle
10 placement within the spinal column with
11 placement of drugs, such as local anesthetics,
12 steroids, and analgesics, in the spinal column
13 under fluoroscopic guidance. The provisions of
14 this subdivision shall not apply to interlaminar
15 lumbar epidural injections performed in a
16 hospital as defined in section 197.020 or an
17 ambulatory surgery center as defined in section
18 197.200 if the standard of care for Medicare
19 reimbursement for interlaminar or translaminar
20 lumbar epidural injections is changed after
21 August 28, 2012, to allow reimbursement only
22 with the use of image guidance; or

23 (3) Laser or endoscopic discectomy, or the
24 surgical placement of intrathecal infusion
25 pumps, and or spinal cord stimulators.

26 2. Nothing in this section shall be
27 construed to prohibit or restrict the
28 performance of surgical or obstetrical
29 anesthesia services or postoperative pain
30 control by a certified registered nurse
31 anesthetist pursuant to subsection 7 of section
32 334.104 or by an anesthesiologist assistant
33 licensed pursuant to sections 334.400 to 334.434.

34 3. The state board of registration for the
35 healing arts may promulgate rules to implement
36 the provisions of this section, except that such
37 authority shall not apply to rulemaking
38 authority to define or regulate the scope of
39 practice of certified registered nurse
40 anesthetists. Any rule or portion of a rule, as

41 that term is defined in section 536.010, that is
42 created under the authority delegated in this
43 section shall become effective only if it
44 complies with and is subject to all of the
45 provisions of chapter 536 and, if applicable,
46 section 536.028. This section and chapter 536
47 are nonseverable and if any of the powers vested
48 with the general assembly pursuant to chapter
49 536 to review, to delay the effective date, or
50 to disapprove and annul a rule are subsequently
51 held unconstitutional, then the grant of
52 rulemaking authority and any rule proposed or
53 adopted after August 28, 2012, shall be invalid
54 and void.

55 4. The provisions of this section shall
56 automatically expire four years after August 28,
57 2012, unless reauthorized by an act of the
58 general assembly.]

2 [334.1135. 1. There is hereby established
3 a joint task force to be known as the "Joint
4 Task Force on Radiologic Technologist Licensure".

5 2. The task force shall be composed of the
6 following:

7 (1) Two members of the senate, one of whom
8 shall be appointed by the president pro tempore
9 and one by the minority leader of the senate;

10 (2) Two members of the house of
11 representatives, one of whom shall be appointed
12 by the speaker and one by the minority leader of
13 the house of representatives;

14 (3) A clinic administrator, or his or her
15 designee, appointed by the Missouri Association
16 of Rural Health Clinics;

17 (4) A physician appointed by the Missouri
18 State Medical Association;

19 (5) A pain management physician appointed
20 by the Missouri Society of Anesthesiologists;

21 (6) A radiologic technologist appointed by
22 the Missouri Society of Radiologic Technologists;

23 (7) A nuclear medicine technologist
24 appointed by the Missouri Valley Chapter of the
25 Society of Nuclear Medicine and Molecular
Imaging;

(8) An administrator of an ambulatory surgical center appointed by the Missouri Ambulatory Surgical Center Association;

(9) A physician appointed by the Missouri Academy of Family Physicians;

(10) A certified registered nurse anesthetist appointed by the Missouri Association of Nurse Anesthetists;

(11) A physician appointed by the Missouri Radiological Society;

(12) The director of the Missouri state board of registration for the healing arts, or his or her designee; and

(13) The director of the Missouri state board of nursing, or his or her designee.

3. The task force shall review the current status of licensure of radiologic technologists in Missouri and shall develop a plan to address the most appropriate method to protect public safety when radiologic imaging and radiologic procedures are utilized. The plan shall include:

(1) An analysis of the risks associated if radiologic technologists are not licensed;

(2) The creation of a Radiologic Imaging and Radiation Therapy Advisory Commission;

(3) Procedures to address the specific needs of rural health care and the availability of licensed radiologic technologists;

(4) Requirements for licensure of radiographers, radiation therapists, nuclear medicine technologists, nuclear medicine advanced associates, radiologist assistants, and limited x-ray machine operators;

(5) Reasonable exemptions to licensure;

(6) Continuing education and training;

(7) Penalty provisions; and

(8) Other items that the task force deems relevant for the proper determination of licensure of radiologic technologists in Missouri.

4. The task force shall meet within thirty days of its creation and select a chair and vice chair. A majority of the task force shall constitute a quorum, but the concurrence of a

majority of total members shall be required for the determination of any matter within the task force's duties.

5. The task force shall be staffed by legislative personnel as is deemed necessary to assist the task force in the performance of its duties.

6. The members of the task force shall serve without compensation, but may, subject to appropriation, be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. The task force shall submit a full report of its activities, including the plan developed under subsection 3 of this section, to the general assembly on or before January 15, 2020. The task force shall send copies of the report to the director of the division of professional registration.]

[338.320. 1. There is hereby established the "Missouri Electronic Prior Authorization Committee" in order to facilitate, monitor, and report to the general assembly on Missouri-based efforts to contribute to the establishment of national electronic prior authorization standards. Such efforts shall include the Missouri-based electronic prior authorization pilot program established under subsection 5 of this section and the study and dissemination of information by the committee of the efforts of the National Council on Prescription Drug Programs (NCPDP) to develop national electronic prior authorization standards. The committee shall advise the general assembly and the department of commerce and insurance as to whether there is a need for administrative rules to be promulgated by the department of commerce and insurance as soon as practically possible.

2. The Missouri electronic prior authorization committee shall consist of the following members:

(1) Two members of the senate, appointed by the president pro tempore of the senate;

25 (2) Two members of the house of
26 representatives, appointed by the speaker of the
27 house of representatives;

28 (3) One member from an organization of
29 licensed physicians in the state;

30 (4) One member who is a physician licensed
31 in Missouri pursuant to chapter 334;

32 (5) One member who is a representative of
33 a Missouri pharmacy benefit management company;

34 (6) One member from an organization
35 representing licensed pharmacists in the state;

36 (7) One member from the business community
37 representing businesses on health insurance
38 issues;

39 (8) One member from an organization
40 representing the leading research-based
41 pharmaceutical and biotechnology companies;

42 (9) One member from an organization
43 representing the largest generic pharmaceutical
44 trade association;

45 (10) One patient advocate;

46 (11) One member from an electronic
47 prescription network that facilitates the secure
48 electronic exchange of clinical information
49 between physicians, pharmacies, payers, and
50 pharmacy benefit managers and other health care
51 providers;

52 (12) One member from a Missouri-based
53 electronic health records company;

54 (13) One member from an organization
55 representing the largest number of hospitals in
56 the state;

57 (14) One member from a health carrier as
58 such term is defined under section 376.1350;

59 (15) One member from an organization
60 representing the largest number of health
61 carriers in the state, as such term is defined
62 under section 376.1350;

63 (16) The director of the department of
64 social services, or the director's designee;

65 (17) The director of the department of
66 commerce and insurance, who shall be chair of
67 the committee.

68 3. All of the members, except for the
69 members from the general assembly, shall be
70 appointed by the governor no later than
71 September 1, 2012, with the advice and consent
72 of the senate. The staff of the department of
73 commerce and insurance shall provide assistance
74 to the committee.

75 4. The duties of the committee shall be as
76 follows:

77 (1) Before February 1, 2019, monitor and
78 report to the general assembly on the Missouri-
79 based electronic prior authorization pilot
80 program created under subsection 5 of this
81 section including a report of the outcomes and
82 best practices developed as a result of the
83 pilot program and how such information can be
84 used to inform the national standard-setting
85 process;

86 (2) Obtain specific updates from the NCPDP
87 and other pharmacy benefit managers and vendors
88 that are currently engaged in pilot programs
89 working toward national electronic prior
90 authorization standards;

91 (3) Correspond and collaborate with the
92 NCPDP and other such pilots through the exchange
93 of information and ideas;

94 (4) Assist, when asked by the pharmacy
95 benefit manager, with the development of the
96 pilot program created under subsection 5 of this
97 section with an understanding of information on
98 the success and failures of other pilot programs
99 across the country;

100 (5) Prepare a report at the end of each
101 calendar year to be distributed to the general
102 assembly and governor with a summary of the
103 committee's progress and plans for the next
104 calendar year, including a report on Missouri-
105 based efforts to contribute to the establishment
106 of national electronic prior authorization
107 standards. Such annual report shall continue
108 until such time as the NCPDP has established
109 national electronic prior authorization
110 standards or this section has expired, whichever

is sooner. The first report shall be completed before January 1, 2013;

(6) Upon the adoption of national electronic prior authorization standards by the NCPDP, prepare a final report to be distributed to the general assembly and governor that identifies the appropriate Missouri administrative regulations, if any, that will need to be promulgated by the department of commerce and insurance, in order to make those standards effective as soon as practically possible, and advise the general assembly and governor if there are any legislative actions necessary to the furtherance of that end.

5. The department of commerce and insurance and the Missouri electronic prior authorization committee shall recruit a Missouri-based pharmacy benefits manager doing business nationally to volunteer to conduct an electronic prior authorization pilot program in Missouri. The pharmacy benefits manager conducting the pilot program shall ensure that there are adequate Missouri licensed physicians and an electronic prior authorization vendor capable and willing to participate in a Missouri-based pilot program. Such pilot program established under this section shall be operational by January 1, 2014. The department and the committee may provide advice or assistance to the pharmacy benefit manager conducting the pilot program but shall not maintain control or lead with the direction of the pilot program.

6. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after August 28, 2012, unless reauthorized by an act of the general assembly; and

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

155 (3) This section shall terminate on
156 September first of the calendar year immediately
157 following the calendar year in which the program
158 authorized under this section is sunset.]

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

9 2. The revisor of statutes shall change
10 all references in the revised statutes of
11 Missouri from "director of insurance" or
12 "commissioner of insurance" to "director of the
13 department of insurance, financial institutions
14 and professional registration".]

 [393.1072. 1. There is hereby established
2 the "Task Force on Fair, Nondiscriminatory Local
3 Taxation Concerning Solar Energy Systems", which
4 shall be composed of the following members:

5 (1) Three members of the house of
6 representatives, with not more than two members
7 from the same political party and each member to
8 be appointed by the speaker of the house of
9 representatives;

10 (2) Three members of the senate, with not
11 more than two members from the same political
12 party and each member to be appointed by the
13 president pro tempore of the senate;

14 (3) Two currently elected county assessors
15 from Missouri county governments, with one to be
16 appointed by the speaker of the house of
17 representatives and one to be appointed by the
18 president pro tempore of the senate;

19 (4) Two representatives from the Missouri
20 state tax commission to be appointed by the
21 commissioners of the Missouri state tax
22 commission;

23 (5) Two representatives from a statewide
24 agricultural organization, with one to be
25 appointed by the speaker of the house of

representatives and one to be appointed by the president pro tempore of the senate;

(6) Two representatives from the private sector with experience in utility-scale solar energy development and operation, with one to be appointed by the speaker of the house of representatives and one to be appointed by the president pro tempore of the senate; and

(7) One member from an organization that advocates for policy supporting solar energy appointed by the chair of the public service commission.

2. The task force shall conduct public hearings and research and compile a report for delivery to the general assembly before December 31, 2022. Such report shall include information on the following:

(1) The economic benefits and drawbacks of solar energy systems to local communities and the state;

(2) The fair, uniform, and standardized assessment and taxation of solar energy systems and their connected equipment owned by a retail or wholesale provider of electricity at the county level in all counties;

(3) Compliance with existing federal and state programs and regulations; and

(4) Potential legislation that will provide a uniform assessment and taxation methodology for solar energy systems and their connected equipment owned by a retail or wholesale provider of electricity that will be used in every county of Missouri.

3. The task force shall meet within thirty days after its creation and shall organize by selecting a chair and vice chair, one of whom shall be a member of the senate and the other a member of the house of representatives.

Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it. Meetings may be held by telephone or video conference at the discretion of the chair. The chair shall designate a person to keep the records of the task force. A

majority of the task force shall constitute a quorum, and a majority vote of such quorum shall be required for any action.

4. The staff of house research and senate research shall provide necessary clerical, research, fiscal, and legal services to the task force as the task force may request.

5. The members of the task force shall serve without compensation, but any actual and necessary expenses incurred by the task force, its members, and any staff assigned to the task force shall be reimbursed.

6. This section shall expire on December 31, 2022.]

[454.849. The repeal of sections 454.850 to 454.999 shall become effective June 15, 2016.]

[476.1000. All courts that require mandatory electronic filing shall accept, file, and docket a notice of entry of appearance filed by an attorney in a criminal case if such filing does not exceed one page in length and was sent by fax or regular mail. The provisions of this section shall expire on December 31, 2016.]

[559.117. 1. The director of the department of corrections is authorized to establish, as a three-year pilot program, a mental health assessment process.

2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the criminal case in a participating county may request that an offender be placed in the department of corrections for one hundred twenty days for a mental health assessment and for treatment if it appears that the offender has a mental disorder or mental illness such that the offender may qualify for probation including community psychiatric rehabilitation (CPR) programs and such probation is appropriate and not inconsistent with public safety. Before the judge rules upon the motion, the victim shall be given notice of such motion and the opportunity to be heard. Upon recommendation of

20 the court, the department shall determine the
21 offender's eligibility for the mental health
22 assessment process.

23 3. Following this assessment and treatment
24 period, an assessment report shall be sent to
25 the sentencing court and the sentencing court
26 may, if appropriate, release the offender on
27 probation. The offender shall be supervised on
28 probation by a state probation and parole
29 officer, who shall work cooperatively with the
30 department of mental health to enroll eligible
31 offenders in community psychiatric
32 rehabilitation (CPR) programs.

33 4. Notwithstanding any other provision of
34 law, probation shall not be granted under this
35 section to offenders who:

36 (1) Have been found guilty of, or plead
37 guilty to, murder in the second degree under
38 section 565.021;

39 (2) Have been found guilty of, or plead
40 guilty to, rape in the first degree under
41 section 566.030 or forcible rape under section
42 566.030 as it existed prior to August 28, 2013;

43 (3) Have been found guilty of, or plead
44 guilty to, statutory rape in the first degree
45 under section 566.032;

46 (4) Have been found guilty of, or plead
47 guilty to, sodomy in the first degree under
48 section 566.060 or forcible sodomy under section
49 566.060 as it existed prior to August 28, 2013;

50 (5) Have been found guilty of, or plead
51 guilty to, statutory sodomy in the first degree
52 under section 566.062;

53 (6) Have been found guilty of, or plead
54 guilty to, child molestation in the first degree
55 under section 566.067 when classified as a class
56 A felony;

57 (7) Have been found to be a predatory
58 sexual offender under section 566.125; or

59 (8) Have been found guilty of, or plead
60 guilty to, any offense for which there exists a
61 statutory prohibition against either probation
62 or parole.

63 5. At the end of the three-year pilot, the
64 director of the department of corrections and
65 the director of the department of mental health
66 shall jointly submit recommendations to the
67 governor and to the general assembly by December
68 31, 2015, on whether to expand the process
69 statewide.]

 [595.202. 1. There is hereby created the
2 "Missouri Rights of Victims of Sexual Assault
3 Task Force" to consist of the following members:

4 (1) The following four members of the
5 general assembly:

6 (a) Two members of the senate, with no
7 more than one member from the same political
8 party and each member to be appointed by the
9 president pro tempore of the senate; and

10 (b) Two members of the house of
11 representatives, with no more than one member
12 from the same political party and each member to
13 be appointed by the speaker of the house of
14 representatives;

15 (2) The director of the department of
16 health and senior services or his or her
17 designee;

18 (3) A private citizen appointed by the
19 governor;

20 (4) A representative of a statewide
21 coalition against domestic and sexual violence
22 appointed by the governor;

23 (5) A representative of rape crisis
24 centers appointed by the governor;

25 (6) The superintendent of the Missouri
26 highway patrol or his or her designee;

27 (7) A law enforcement officer appointed by
28 the governor;

29 (8) The director of the Missouri highway
30 patrol crime lab or his or her designee;

31 (9) An attorney appointed by the governor;
32 and

33 (10) A representative of the Missouri
34 Hospital Association.

35 2. The task force shall study nationally
36 recognized best practices and make
37 recommendations regarding:

38 (1) The development and implementation of
39 an effective mechanism for submitting, tracking,
40 and investigating complaints regarding the
41 handling of, or response to, a sexual assault
42 report or investigation by any agency or
43 organization involved in the response;

44 (2) The development of documentation for
45 medical providers and law enforcement officers,
46 in conjunction with the department of public
47 safety, to provide to survivors informing them
48 of their rights pursuant to section 595.201;

49 (3) Whether a need exists for additional
50 employees or volunteers of a rape crisis center
51 for victims of sexual assault, and if such a
52 need does exist, the task force shall:

53 (a) Create a plan for how the state can
54 provide, in conjunction with rape crisis
55 centers, victims' advocates organizations, and
56 the department of health and senior services,
57 additional employees or volunteers of a rape
58 crisis center to meet the needs identified; and

59 (b) Determine the cost of funding such a
60 plan;

61 (4) Whether a need exists to expand the
62 right to an employee or volunteer of a rape
63 crisis center beyond the medical examination and
64 law enforcement interview settings, and if such
65 a need does exist, the task force shall:

66 (a) Identify the scope and nature of the
67 need; and

68 (b) Make recommendations on how best to
69 fill that need, whether legislatively or
70 otherwise;

71 (5) Whether a need exists to provide for
72 ongoing evaluation of the implementation of
73 these rights, and if such a need does exist, the
74 task force shall:

75 (a) Identify the scope and nature of the
76 need; and

(b) Make recommendations on how best to fill that need, whether legislatively or otherwise.

3. The task force shall:

(1) Collect data regarding sexual assault reporting, arrests, prosecution rates, access to sexual assault victims services, and any other data important for its deliberations and recommendations; and

(2) Collect feedback from stakeholders, practitioners, and leadership throughout the state and local law enforcement, victim services, forensic science practitioners, and health care communities to inform development of future best practices or clinical guidelines regarding the care and treatment of survivors.

4. The department of public safety shall provide administrative support to the task force.

5. On or before December 31, 2021, the task force shall submit a report on its findings to the governor and general assembly. The report shall include any dissenting opinions in addition to any majority opinions.

6. The task force shall expire on December 31, 2021.]

[620.1910. 1. This section shall be known and may be cited as the "Manufacturing Jobs Act".

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

(1) "Approval", a document submitted by the department to the qualified manufacturing company or qualified supplier that states the benefits that may be provided under this section;

(2) "Capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;

(3) "County average wage", the same meaning as such term is defined in section 620.1878;

18 (4) "Department", the department of
19 economic development;

20 (5) "Facility", a building or buildings
21 located in Missouri at which the qualified
22 manufacturing company manufactures a product;

23 (6) "Full-time job", a job for which a
24 person is compensated for an average of at least
25 thirty-five hours per week for a twelve-month
26 period, and one for which the qualified
27 manufacturing company or qualified supplier
28 offers health insurance and pays at least fifty
29 percent of such insurance premiums;

30 (7) "NAICS industry classification", the
31 most recent edition of the North American
32 Industry Classification System as prepared by
33 the Executive Office of the President, Office of
34 Management and Budget;

35 (8) "New job", the same meaning as such
36 term is defined in section 620.1878;

37 (9) "New product", a new model or line of
38 a manufactured good that has not been
39 manufactured in Missouri by the qualified
40 manufacturing company at any time prior to the
41 date of the notice of intent, or an existing
42 brand, model, or line of a manufactured good
43 that is redesigned with more than seventy-five
44 percent new exterior body parts and incorporates
45 new powertrain options;

46 (10) "Notice of intent", a form developed
47 by the department, completed by the qualified
48 manufacturing company or qualified supplier and
49 submitted to the department which states the
50 qualified manufacturing company's or qualified
51 supplier's intent to create new jobs or retain
52 current jobs and make additional capital
53 investment, as applicable, and request benefits
54 under this section. The notice of intent shall
55 specify the minimum number of such new or
56 retained jobs and the minimum amount of such
57 capital investment;

58 (11) "Qualified manufacturing company", a
59 business with a NAICS code of 33611 that:

60 (a) Manufactures goods at a facility in
61 Missouri;

62 (b) In the case of the manufacture of a
63 new product, commits to make a capital
64 investment of at least seventy-five thousand
65 dollars per retained job within no more than two
66 years of the date the qualified manufacturing
67 company begins to retain withholding tax under
68 this section, or in the case of the modification
69 or expansion of the manufacture of an existing
70 product, commits to make a capital investment of
71 at least fifty thousand dollars per retained job
72 within no more than two years of the date the
73 qualified manufacturing company begins to retain
74 withholding tax under this section;

75 (c) Manufactures a new product or has
76 commenced making capital improvements to the
77 facility necessary for the manufacturing of such
78 new product, or modifies or expands the
79 manufacture of an existing product or has
80 commenced making capital improvements to the
81 facility necessary for the modification or
82 expansion of the manufacture of such existing
83 product; and

84 (d) Continues to meet the requirements of
85 paragraphs (a) to (c) of this subdivision for
86 the withholding period;

87 (12) "Qualified supplier", a manufacturing
88 company that:

89 (a) Attests to the department that it
90 derives more than ten percent of the total
91 annual sales of the company from sales to a
92 qualified manufacturing company;

93 (b) Adds five or more new jobs;

94 (c) Has an average wage, as defined in
95 section 135.950, for such new jobs that are
96 equal to or exceed the lower of the county
97 average wage for Missouri as determined by the
98 department using NAICS industry classifications,
99 but not lower than sixty percent of the
100 statewide average wage; and

101 (d) Provides health insurance for all full-
102 time jobs and pays at least fifty percent of the
103 premiums of such insurance;

104 (13) "Retained job", the number of full-
105 time jobs of persons employed by the qualified

manufacturing company located at the facility that existed as of the last working day of the month immediately preceding the month in which notice of intent is submitted;

(14) "Statewide average wage", an amount equal to the quotient of the sum of the total gross wages paid for the corresponding four calendar quarters divided by the average annual employment for such four calendar quarters, which shall be computed using the Quarterly Census of Employment and Wages Data for All Private Ownership Businesses in Missouri, as published by the Bureau of Labor Statistics of the United States Department of Labor;

(15) "Withholding period", the seven- or ten-year period in which a qualified manufacturing company may receive benefits under this section;

(16) "Withholding tax", the same meaning as such term is defined in section 620.1878.

3. The department shall respond within thirty days to a qualified manufacturing company or a qualified supplier who provides a notice of intent with either an approval or a rejection of the notice of intent. Failure to respond on behalf of the department shall result in the notice of intent being deemed an approval for the purposes of this section.

4. A qualified manufacturing company that manufactures a new product may, upon the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain one hundred percent of the withholding tax from full-time jobs at the facility for a period of ten years. A qualified manufacturing company that modifies or expands the manufacture of an existing product may, upon the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain fifty percent of the withholding tax from full-time jobs at the

facility for a period of seven years. Except as otherwise allowed under subsection 7 of this section, the commencement of the withholding period may be delayed by no more than twenty-four months after execution of the agreement at the option of the qualified manufacturing company. Such qualified manufacturing company shall be eligible for participation in the Missouri quality jobs program in sections 620.1875 to 620.1890 for any new jobs for which it does not retain withholding tax under this section, provided all qualifications for such program are met.

5. A qualified supplier may, upon approval of a notice of intent by the department, retain all withholding tax from new jobs for a period of three years from the date of approval of the notice of intent or for a period of five years if the supplier pays wages for the new jobs equal to or greater than one hundred twenty percent of county average wage. Notwithstanding any other provision of law to the contrary, a qualified supplier that is awarded benefits under this section shall not receive any tax credit or exemption or be entitled to retain withholding under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, sections 135.900 to 135.906, sections 135.950 to 135.970, or section 620.1881 for the same jobs.

6. Notwithstanding any other provision of law to the contrary, the maximum amount of withholding tax that may be retained by any one qualified manufacturing company under this section shall not exceed ten million dollars per calendar year. The aggregate amount of withholding tax that may be retained by all qualified manufacturing companies under this section shall not exceed fifteen million dollars per calendar year.

7. Notwithstanding any other provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax

credits or exemptions under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 for the jobs created or retained or capital improvement which qualified for benefits under this section. The benefits available to the qualified manufacturing company under any other state programs for which the qualified manufacturing company is eligible and which utilize withholding tax from the jobs at the facility shall first be credited to the other state program before the applicable withholding period for benefits provided under this section shall begin. These other state programs include, but are not limited to, the Missouri works jobs training program under sections 620.800 to 620.809, the real property tax increment allocation redevelopment act under sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified manufacturing company also participates in the Missouri works jobs training program in sections 620.800 to 620.809, such qualified manufacturing company shall not retain any withholding tax that has already been allocated for use in the new jobs training program. Any qualified manufacturing company or qualified supplier that is awarded benefits under this program and knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any withholding taxes already retained. Subsection 5 of section 285.530 shall not apply to qualified manufacturing companies or qualified suppliers which are awarded benefits under this program.

8. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with

and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

9. Within six months of completion of a notice of intent required under this section, the qualified manufacturing company shall enter into an agreement with the department that memorializes the content of the notice of intent, the requirements of this section, and the consequences for failing to meet such requirements, which shall include the following:

(1) If the amount of capital investment made by the qualified manufacturing company is not made within the two-year period provided for such investment, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at the facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period. In addition, the qualified manufacturing company shall repay any amounts of withholding tax retained plus interest of five percent per annum. However, in the event that such capital investment shortfall is due to economic conditions beyond the control of the qualified manufacturing company, the director may, at the qualified manufacturing company's request, suspend rather than terminate its privilege to retain withholding tax under this section for up to three years. Any such suspension shall extend the withholding period by the same amount of time. No more than one such suspension shall be granted to a qualified manufacturing company;

(2) If the qualified manufacturing company discontinues the manufacturing of the new

product and does not replace it with a subsequent or additional new product manufactured at the facility at any time during the withholding period, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at that facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period.

10. Prior to March first each year, the department shall provide a report to the general assembly including the names of participating qualified manufacturing companies or qualified suppliers, location of such companies or suppliers, the annual amount of benefits provided, the estimated net state fiscal impact including direct and indirect new state taxes derived, and the number of new jobs created or jobs retained.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset October 12, 2016, unless reauthorized by an act of the general assembly; and

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

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

[620.2100. 1. There is hereby established the "Ozark Exploration Bicentennial Commission".

2. The commission shall consist of the following members:

(1) Two representatives appointed by the speaker of the house of representatives;

(2) Two senators appointed by the president pro tempore of the senate;

9 (3) One faculty member of Missouri State
10 University appointed by university leadership;

11 (4) The director of the division of
12 tourism or his or her designee;

13 (5) Two members representing historical
14 societies within the area of exploration, one
15 appointed by the speaker of the house of
16 representatives and one appointed by the
17 president pro tempore of the senate;

18 (6) Two members of the public appointed by
19 the speaker of the house of representatives; and

20 (7) Two members of the public appointed by
21 the president pro tempore of the senate.

22 3. Members of the commission shall be
23 appointed by October 1, 2017.

24 4. Members of the commission shall serve
25 without compensation. The division of tourism
26 shall provide administrative support for the
27 commission.

28 5. There is hereby established in the
29 state treasury the "Ozark Exploration
30 Bicentennial Fund" to be held separate and apart
31 from all other public moneys and funds of the
32 state. The fund may accept state and federal
33 appropriations, grants, bequests, gifts, fees,
34 and awards to be held for use by the Ozark
35 exploration bicentennial commission.

36 Notwithstanding the provisions of section 33.080
37 to the contrary, moneys remaining in the fund at
38 the end of any biennium shall not revert to
39 general revenue. The state treasurer shall be
40 custodian of the fund. In accordance with
41 sections 30.170 and 30.180, the state treasurer
42 may approve disbursements. The state treasurer
43 shall invest moneys in the fund in the same
44 manner as other funds are invested. Any
45 interest and moneys earned on such investments
46 shall be credited to the fund.

47 6. The duties of the commission shall
48 include, but not be limited to:

49 (1) Organizing and coordinating efforts
50 relating to the bicentennial celebration of the
51 exploration of the Ozarks in 1819; and

52 (2) Promoting public awareness of the
53 importance and cultural significance of the
54 exploration to Missouri history.

55 7. The commission shall be dissolved and
56 the provisions of this section shall expire on
57 June 30, 2019.]

[620.2600. 1. This section shall be known
2 and may be cited as the "Innovation Campus Tax
3 Credit Act".

4 2. As used in this section, the following
5 terms mean:

6 (1) "Certificate", a tax credit
7 certificate issued under this section;

8 (2) "Department", the Missouri department
9 of economic development;

10 (3) "Eligible donation", donations
11 received from a taxpayer by innovation campuses
12 that are to be used solely for projects that
13 advance learning in the areas of science,
14 technology, engineering, and mathematics.
15 Eligible donations may include cash, publicly
16 traded stocks and bonds, and real estate that
17 shall and will be valued and documented
18 according to the rules promulgated by the
19 department of economic development;

20 (4) "Innovation education campus" or
21 "innovation campus", as defined in section
22 178.1100, an educational partnership consisting
23 of at least one of each of the following
24 entities:

25 (a) A local Missouri high school or K-12
26 school district;

27 (b) A Missouri four-year public or private
28 higher education institution;

29 (c) A Missouri-based business or
30 businesses; and

31 (d) A Missouri two-year public higher
32 education institution or state technical college
33 of Missouri;

34 (5) "Taxpayer", any of the following
35 individuals or entities who make an eligible
36 donation to any innovation campus:

37 (a) A person, firm, partner in a firm,
38 corporation, or a shareholder in an S
39 corporation doing business in the state of
40 Missouri and subject to the state income tax
41 imposed in chapter 143;

42 (b) A corporation subject to the annual
43 corporation franchise tax imposed in chapter 147;

44 (c) An insurance company paying an annual
45 tax on its gross premium receipts in this state;

46 (d) Any other financial institution paying
47 taxes to the state of Missouri or any political
48 subdivisions of this state under chapter 148;

49 (e) An individual subject to the state
50 income tax imposed in chapter 143;

51 (f) Any charitable organization which is
52 exempt from federal income tax and whose
53 Missouri unrelated business taxable income, if
54 any, would be subject to the state income tax
55 imposed under chapter 143.

56 3. For all taxable years beginning on or
57 after January 1, 2015, any taxpayer shall be
58 allowed a credit against the taxes otherwise due
59 under chapters 147, 148, or 143, excluding
60 withholding tax imposed by sections 143.191 to
61 143.265, in an amount equal to fifty percent of
62 the amount of an eligible donation, subject to
63 the restrictions in this section. The amount of
64 the tax credit claimed shall not exceed the
65 amount of the taxpayer's state income tax
66 liability in the tax year for which the credit
67 is claimed. Any amount of credit that the
68 taxpayer is prohibited by this section from
69 claiming in a tax year shall not be refundable,
70 but may be carried forward to any of the
71 taxpayer's four subsequent taxable years.

72 4. To claim the credit authorized in this
73 section, an innovation campus may submit to the
74 department an application for the tax credit
75 authorized by this section on behalf of
76 taxpayers. The department shall verify that the
77 innovation campus has submitted the following
78 items:

79 (1) A valid application in the form and
80 format required by the department;

81 (2) A statement attesting to the eligible
82 donation received, which shall include the name
83 and taxpayer identification number of the
84 individual or taxpayer making the eligible
85 donation, the amount of the eligible donation,
86 and the date the eligible donation was received
87 by the innovation campus; and

88 (3) Payment from the innovation campus
89 equal to the value of the tax credit for which
90 application is made.

91 If the innovation campus applying for the tax
92 credit meets all criteria required by this
93 subsection, the department shall issue a
94 certificate in the appropriate amount.

95 5. Tax credits issued under this section
96 may be assigned, transferred, sold, or otherwise
97 conveyed, and the new owner of the tax credit
98 shall have the same rights in the credit as the
99 taxpayer. Whenever a certificate is assigned,
100 transferred, sold, or otherwise conveyed, a
101 notarized endorsement shall be filed with the
102 department specifying the name and address of
103 the new owner of the tax credit and the value of
104 the credit.

105 6. The department may promulgate rules to
106 implement the provisions of this section. Any
107 rule or portion of a rule, as that term is
108 defined in section 536.010, that is created
109 under the authority delegated in this section
110 shall become effective only if it complies with
111 and is subject to all of the provisions of
112 chapter 536 and, if applicable, section
113 536.028. This section and chapter 536 are
114 nonseverable and if any of the powers vested
115 with the general assembly under and pursuant to
116 chapter 536 to review, to delay the effective
117 date, or to disapprove and annul a rule are
118 subsequently held unconstitutional, then the
119 grant of rulemaking authority and any rule
120 proposed or adopted after August 28, 2014, shall
121 be invalid and void.

122 7. Under section 23.253 of the Missouri
123 sunset act:

124 (1) The program authorized under this
125 section shall expire six years after August 28,
126 2014, unless reauthorized by an act of the
127 general assembly; and
128 (2) If such program is reauthorized, the
129 program authorized under this section shall
130 automatically sunset twelve years after August
131 28, 2014; and
132 (3) This section shall terminate on
133 September first of the calendar year immediately
134 following the calendar year in which the program
135 authorized under this section is sunset.]

 [633.420. 1. For the purposes of this
2 section, the term "dyslexia" means a disorder
3 that is neurological in origin, characterized by
4 difficulties with accurate and fluent word
5 recognition, and poor spelling and decoding
6 abilities that typically result from a deficit
7 in the phonological component of language, often
8 unexpected in relation to other cognitive
9 abilities and the provision of effective
10 classroom instruction, and of which secondary
11 consequences may include problems in reading
12 comprehension and reduced reading experience
13 that can impede growth of vocabulary and
14 background knowledge. Nothing in this section
15 shall prohibit a district from assessing
16 students for dyslexia and offering students
17 specialized reading instruction if a
18 determination is made that a student suffers
19 from dyslexia. Unless required by federal law,
20 nothing in this definition shall require a
21 student with dyslexia to be automatically
22 determined eligible as a student with a
23 disability. Nothing in this definition shall
24 require a student with dyslexia to obtain an
25 individualized education program (IEP) unless
26 the student has otherwise met the federal
27 conditions necessary.
28 2. There is hereby created the
29 "Legislative Task Force on Dyslexia". The joint
30 committee on education shall provide technical
31 and administrative support as required by the

task force to fulfill its duties; any such support involving monetary expenses shall first be approved by the chairman of the joint committee on education. The task force shall meet at least quarterly and may hold meetings by telephone or video conference. The task force shall advise and make recommendations to the governor, joint committee on education, and relevant state agencies regarding matters concerning individuals with dyslexia, including education and other adult and adolescent services.

3. The task force shall be comprised of twenty-one members consisting of the following:

(1) Two members of the senate appointed by the president pro tempore of the senate, with one member appointed from the minority party and one member appointed from the majority party;

(2) Two members of the house of representatives appointed by the speaker of the house of representatives, with one member appointed from the minority party and one member appointed from the majority party;

(3) The commissioner of education, or his or her designee;

(4) One representative from an institution of higher education located in this state with specialized expertise in dyslexia and reading instruction;

(5) A representative from a state teachers association or the Missouri National Education Association;

(6) A representative from the International Dyslexia Association of Missouri;

(7) A representative from Decoding Dyslexia of Missouri;

(8) A representative from the Missouri Association of Elementary School Principals;

(9) A representative from the Missouri Council of Administrators of Special Education;

(10) A professional licensed in the state of Missouri with experience diagnosing dyslexia including, but not limited to, a licensed

psychologist, school psychologist, or neuropsychologist;

(11) A speech-language pathologist with training and experience in early literacy development and effective research-based intervention techniques for dyslexia, including an Orton-Gillingham remediation program recommended by the Missouri Speech-Language Hearing Association;

(12) A certified academic language therapist recommended by the Academic Language Therapy Association who is a resident of this state;

(13) A representative from an independent private provider or nonprofit organization serving individuals with dyslexia;

(14) An assistive technology specialist with expertise in accessible print materials and assistive technology used by individuals with dyslexia recommended by the Missouri assistive technology council;

(15) One private citizen who has a child who has been diagnosed with dyslexia;

(16) One private citizen who has been diagnosed with dyslexia;

(17) A representative of the Missouri State Council of the International Reading Association;

(18) A pediatrician with knowledge of dyslexia; and

(19) A member of the Missouri School Boards' Association.

4. The members of the task force, other than the members from the general assembly and ex officio members, shall be appointed by the president pro tempore of the senate or the speaker of the house of representatives by September 1, 2016, by alternating appointments beginning with the president pro tempore of the senate. A chairperson shall be selected by the members of the task force. Any vacancy on the task force shall be filled in the same manner as the original appointment. Members shall serve on the task force without compensation.

119 5. The task force shall make
120 recommendations for a statewide system for
121 identification, intervention, and delivery of
122 supports for students with dyslexia, including
123 the development of resource materials and
124 professional development activities. These
125 recommendations shall be included in a report to
126 the governor and joint committee on education
127 and shall include findings and proposed
128 legislation and shall be made available no
129 longer than twelve months from the task force's
130 first meeting.

131 6. The recommendations and resource
132 materials developed by the task force shall:

133 (1) Identify valid and reliable screening
134 and evaluation assessments and protocols that
135 can be used and the appropriate personnel to
136 administer such assessments in order to identify
137 children with dyslexia or the characteristics of
138 dyslexia as part of an ongoing reading progress
139 monitoring system, multitiered system of
140 supports, and special education eligibility
141 determinations in schools;

142 (2) Recommend an evidence-based reading
143 instruction, with consideration of the National
144 Reading Panel Report and Orton-Gillingham
145 methodology principles for use in all Missouri
146 schools, and intervention system, including a
147 list of effective dyslexia intervention
148 programs, to address dyslexia or characteristics
149 of dyslexia for use by schools in multitiered
150 systems of support and for services as
151 appropriate for special education eligible
152 students;

153 (3) Develop and implement preservice and
154 in-service professional development activities
155 to address dyslexia identification and
156 intervention, including utilization of
157 accessible print materials and assistive
158 technology, within degree programs such as
159 education, reading, special education, speech-
160 language pathology, and psychology;

(4) Review teacher certification and professional development requirements as they relate to the needs of students with dyslexia;

(5) Examine the barriers to accurate information on the prevalence of students with dyslexia across the state and recommend a process for accurate reporting of demographic data; and

(6) Study and evaluate current practices for diagnosing, treating, and educating children in this state and examine how current laws and regulations affect students with dyslexia in order to present recommendations to the governor and the joint committee on education.

7. The task force shall hire or contract for hire specialist services to support the work of the task force as necessary with appropriations made by the general assembly to the joint committee on education for that purpose or from other available funding.

8. The task force authorized under this section shall expire on August 31, 2018, unless reauthorized by an act of the general assembly.]

[640.030. The department of natural resources and the department of conservation shall develop an interagency plan and execute an interagency agreement regarding the application and use of any portion of funds authorized for the respective departments by provisions of the Constitution, taking into consideration the purposes for which the voters approved the funds and the extent to which expenditures under the provisions of sections 252.300 to 252.333, or sections 620.552 to 620.574, accomplish such purposes. Such interagency agreements shall not be subject to legislative review or oversight and are not rules within the meaning of any law providing for review by the general assembly or any committee thereof.]

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