

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1965**  
**95TH GENERAL ASSEMBLY**

4654L.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 8.190, 21.811, 21.840, 28.085, 30.220, 31.010, 33.065, 33.285, 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130, 60.461, 67.2677, 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300, 96.310, 96.320, 96.330, 96.340, 96.350, 96.360, 96.370, 96.380, 99.799, 99.918, 99.1082, 105.140, 105.983, 115.177, 135.205, 135.207, 135.230, 135.431, 135.433, 135.530, 135.903, 135.953, 137.118, 137.286, 142.800, 142.815, 142.821, 143.171, 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710, 173.715, 173.718, 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120, 192.255, 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725, 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785, 196.790, 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318, 197.366, 198.058, 198.087, 198.600, 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, 201.090, 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 307.176, 307.367, 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020, 454.030, 454.040, 454.050, 454.060, 454.070, 454.080, 454.090, 454.100, 454.105, 454.110, 454.120, 454.130, 454.140, 454.150, 454.160, 454.170, 454.180, 454.190, 454.200, 454.210, 454.220, 454.230, 454.240, 454.250, 454.260, 454.270, 454.275, 454.280, 454.290, 454.300, 454.310, 454.320, 454.330, 454.340, 454.350, 454.355, 454.360, 454.800, 454.802, 454.804, 454.806, 460.100, 460.250, 488.5345, 490.610, 537.675, 537.684,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

620.010, 620.155, 620.156, 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.170, 620.173, 620.174, 620.176, 620.515, 620.1023, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 644.054, 644.550, 644.551, and 660.018, RSMo, and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof fifty-four new sections for the sole purposes of repealing expired, sunset, terminated, ineffective, or obsolete statutes, with penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 8.190, 21.811, 21.840, 28.085, 30.220, 31.010, 33.065, 33.285,  
 2 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130, 60.461, 67.2677,  
 3 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300, 96.310, 96.320, 96.330, 96.340,  
 4 96.350, 96.360, 96.370, 96.380, 99.799, 99.918, 99.1082, 105.140, 105.983, 115.177, 135.205,  
 5 135.207, 135.230, 135.431, 135.433, 135.530, 135.903, 135.953, 137.118, 137.286, 142.800,  
 6 142.815, 142.821, 143.171, 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710,  
 7 173.715, 173.718, 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120,  
 8 192.255, 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725,  
 9 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785, 196.790,  
 10 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318, 197.366, 198.058,  
 11 198.087, 198.600, 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, 201.090,  
 12 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013,  
 13 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355,  
 14 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010,  
 15 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 307.176, 307.367,  
 16 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070,  
 17 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990,  
 18 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020,  
 19 454.030, 454.040, 454.050, 454.060, 454.070, 454.080, 454.090, 454.100, 454.105, 454.110,  
 20 454.120, 454.130, 454.140, 454.150, 454.160, 454.170, 454.180, 454.190, 454.200, 454.210,  
 21 454.220, 454.230, 454.240, 454.250, 454.260, 454.270, 454.275, 454.280, 454.290, 454.300,  
 22 454.310, 454.320, 454.330, 454.340, 454.350, 454.355, 454.360, 454.800, 454.802, 454.804,  
 23 454.806, 460.100, 460.250, 488.5345, 490.610, 537.675, 537.684, 620.010, 620.155, 620.156,  
 24 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.170, 620.173, 620.174,

25 620.176, 620.515, 620.1023, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 644.054,  
26 644.550, 644.551, and 660.018, RSMo, and section 622.010 as enacted by house committee  
27 substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and  
28 section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth  
29 general assembly, second regular session, RSMo, are repealed and fifty-four new sections  
30 enacted in lieu thereof, to be known as sections 33.065, 34.110, 37.005, 42.121, 57.080, 67.2677,  
31 99.918, 99.1082, 115.177, 135.205, 135.207, 135.230, 135.530, 135.903, 135.953, 142.800,  
32 142.815, 143.171, 173.005, 174.020, 178.637, 178.930, 191.362, 195.060, 195.400, 197.305,  
33 197.318, 197.366, 198.058, 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080,  
34 201.090, 215.263, 253.022, 260.370, 288.090, 303.026, 313.008, 313.835, 329.028, 376.671,  
35 488.5345, 537.675, 537.684, 620.010, 620.515, 620.1023, 644.054, and 644.551, to read as  
36 follows:

33.065. No appropriation shall confer authority to incur an obligation after the  
2 termination of the fiscal year to which it relates[, and every appropriation shall expire two  
3 months after the end of the period for which made; provided, however, that such expiration date  
4 shall be six months after the end of such period for those governmental functions which require  
5 the utilization of good weather periods].

34.110. [1.] The commissioner of administration may enter into any contract with the  
2 United States of America or with any agency thereof for the purpose of accepting gifts and for  
3 the purchase of surplus war materials for cash, credit or other property with or without warranty  
4 and upon such other terms and conditions as the agency deems proper without regard to the  
5 provisions of the law which require:

- 6 (1) The posting of notices or public advertising for bids or of expenditures;
- 7 (2) The inviting or receiving of competitive bids;
- 8 (3) The delivery of purchases before payment.

9 [2. In order to obtain United States government property, the commissioner of  
10 administration is hereby authorized and directed to certify the amount to the auditor, and the  
11 auditor is hereby authorized and directed to issue his warrant or warrants, and the state treasurer  
12 is hereby authorized and directed to pay said warrant or warrants, in payment of said government  
13 property.]

37.005. 1. Except as provided herein, the office of administration shall be continued as  
2 set forth in house bill 384, seventy-sixth general assembly and shall be considered as a  
3 department within the meaning used in the Omnibus State Reorganization Act of 1974. The  
4 commissioner of administration shall appoint directors of all major divisions within the office  
5 of administration.

6           2. The commissioner of administration shall be a member of the governmental  
7 emergency fund committee as ex officio comptroller and the director of the department of  
8 revenue shall be a member in place of the chief of the planning and construction division.

9           3. The office of administration is designated the "Missouri State Agency for Surplus  
10 Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for  
11 disposal of surplus federal property. All the powers, duties and functions vested by sections  
12 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration  
13 as well as all property and personnel related to the duties. The commissioner shall integrate the  
14 program of disposal of federal surplus property with the processes of disposal of state surplus  
15 property to provide economical and improved service to state and local agencies of government.  
16 The governor shall fix the amount of bond required by section 37.080. All employees transferred  
17 shall be covered by the provisions of chapter 36, RSMo, and the Omnibus State Reorganization  
18 Act of 1974.

19           4. The commissioner of administration shall replace the director of revenue as a member  
20 of the board of fund commissioners and assume all duties and responsibilities assigned to the  
21 director of revenue by sections 33.300 to 33.540, RSMo, relating to duties as a member of the  
22 board and matters relating to bonds and bond coupons.

23           5. All the powers, duties and functions of the administrative services section, section  
24 33.580, RSMo, and others, are transferred by a type I transfer to the office of administration and  
25 the administrative services section is abolished.

26           6. The commissioner of administration shall, in addition to his or her other duties, cause  
27 to be prepared a comprehensive plan of the state's field operations, buildings owned or rented  
28 and the communications systems of state agencies. Such a plan shall place priority on improved  
29 availability of services throughout the state, consolidation of space occupancy and economy in  
30 operations.

31           7. The commissioner of administration shall from time to time examine the space needs  
32 of the agencies of state government and space available and shall, with the approval of the board  
33 of public buildings, assign and reassign space in property owned, leased or otherwise controlled  
34 by the state. Any other law to the contrary notwithstanding, upon a determination by the  
35 commissioner that all or part of any property is in excess of the needs of any state agency, the  
36 commissioner may lease such property to a private or government entity. Any revenue received  
37 from the lease of such property shall be deposited into the fund or funds from which moneys for  
38 rent, operations or purchase have been appropriated. The commissioner shall establish by rule  
39 the procedures for leasing excess property.

40           8. [The commissioner of administration shall make the selection of a personnel director  
41 from the names of the three highest ranking available eligibles as provided in section 36.080,

42 RSMo. The personnel advisory board, the personnel division and the personnel director in the  
43 office of administration shall retain the functions, duties and powers prescribed in chapter 36,  
44 RSMo. Members of the personnel advisory board shall be nominated by the commissioner of  
45 administration and appointed by the governor with the advice and consent of the senate.

46 9.] The commissioner of administration is hereby authorized to coordinate and control  
47 the acquisition and use of electronic data processing (EDP) and automatic data processing (ADP)  
48 in the executive branch of state government. For this purpose, the office of administration will  
49 have authority to:

50 (1) Develop and implement a long-range computer facilities plan for the use of EDP and  
51 ADP in Missouri state government. Such plan may cover, but is not limited to, operational  
52 standards, standards for the establishment, function and management of service centers,  
53 coordination of the data processing education, and planning standards for application  
54 development and implementation;

55 (2) Approve all additions and deletions of EDP and ADP hardware, software, and  
56 support services, and service centers;

57 (3) Establish standards for the development of annual data processing application plans  
58 for each of the service centers. These standards shall include review of post-implementation  
59 audits. These annual plans shall be on file in the office of administration and shall be the basis  
60 for equipment approval requests;

61 (4) Review of all state EDP and ADP applications to assure conformance with the state  
62 information systems plan, and the information systems plans of state agencies and service  
63 centers;

64 (5) Establish procurement procedures for EDP and ADP hardware, software, and support  
65 service;

66 (6) Establish a charging system to be used by all service centers when performing work  
67 for any agency;

68 (7) Establish procedures for the receipt of service center charges and payments for  
69 operation of the service centers. The commissioner shall maintain a complete inventory of all  
70 state-owned or -leased EDP and ADP equipment, and annually submit a report to the general  
71 assembly which shall include starting and ending EDP and ADP costs for the fiscal year  
72 previously ended, and the reasons for major increases or variances between starting and ending  
73 costs. The commissioner shall also adopt, after public hearing, rules and regulations designed  
74 to protect the rights of privacy of the citizens of this state and the confidentiality of information  
75 contained in computer tapes or other storage devices to the maximum extent possible consistent  
76 with the efficient operation of the office of administration and contracting state agencies.

77 [10.] 9. Except as provided in subsection 13 of this section, the fee title to all real  
78 property now owned or hereafter acquired by the state of Missouri, or any department, division,  
79 commission, board or agency of state government, other than real property owned or possessed  
80 by the state highways and transportation commission, conservation commission, state department  
81 of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor.  
82 The governor may not convey or otherwise transfer the title to such real property, unless such  
83 conveyance or transfer is first authorized by an act of the general assembly. The provisions of  
84 this subsection requiring authorization of a conveyance or transfer by an act of the general  
85 assembly shall not, however, apply to the granting or conveyance of an easement to any rural  
86 electric cooperative as defined in chapter 394, RSMo, municipal corporation,  
87 quasi-governmental corporation owning or operating a public utility, or a public utility, except  
88 railroads, as defined in chapter 386, RSMo. The governor, with the approval of the board of  
89 public buildings, may, upon the request of any state department, agency, board or commission  
90 not otherwise being empowered to make its own transfer or conveyance of any land belonging  
91 to the state of Missouri which is under the control and custody of such department, agency, board  
92 or commission, grant or convey without further legislative action, for such consideration as may  
93 be agreed upon, easements across, over, upon or under any such state land to any rural electric  
94 cooperative, as [defined] **governed** in chapter 394, RSMo, municipal corporation, or  
95 quasi-governmental corporation owning or operating a public utility, or a public utility, except  
96 railroad, as defined in chapter 386, RSMo. The easement shall be for the purpose of promoting  
97 the general health, welfare and safety of the public and shall include the right of ingress or egress  
98 for the purpose of constructing, maintaining or removing any pipeline, power line, sewer or other  
99 similar public utility installation or any equipment or appurtenances necessary to the operation  
100 thereof, except that railroad as defined in chapter 386, RSMo, shall not be included in the  
101 provisions of this subsection unless such conveyance or transfer is first authorized by an act of  
102 the general assembly. The easement shall be for such consideration as may be agreed upon by  
103 the parties and approved by the board of public buildings. The attorney general shall approve  
104 the form of the instrument of conveyance. The commissioner of administration shall prepare  
105 management plans for such properties in the manner set out in subsection 7 of this section.

106 [11.] 10. The commissioner of administration shall administer a revolving  
107 "Administrative Trust Fund" which shall be established by the state treasurer which shall be  
108 funded annually by appropriation and which shall contain moneys transferred or paid to the  
109 office of administration in return for goods and services provided by the office of administration  
110 to any governmental entity or to the public. The state treasurer shall be the custodian of the fund,  
111 and shall approve disbursements from the fund for the purchase of goods or services at the  
112 request of the commissioner of administration or the commissioner's designee. The provisions

113 of section 33.080, RSMo, notwithstanding, moneys in the fund shall not lapse, unless and then  
114 only to the extent to which the unencumbered balance at the close of any fiscal year exceeds  
115 one-eighth of the total amount appropriated, paid, or transferred to the fund during such fiscal  
116 year, and upon approval of the oversight division of the joint committee on legislative research.  
117 The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

118 [12.] **11.** All the powers, duties and functions of the department of community affairs  
119 relating to statewide planning are transferred by type I transfer to the office of administration.

120 [13.] **12.** The titles which are vested in the governor by or pursuant to this section to real  
121 property assigned to any of the educational institutions referred to in section 174.020, RSMo, on  
122 June 15, 1983, are hereby transferred to and vested in the board of regents of the respective  
123 educational institutions, and the titles to real property and other interests therein hereafter  
124 acquired by or for the use of any such educational institution, notwithstanding provisions of this  
125 section, shall vest in the board of regents of the educational institution. The board of regents  
126 may not convey or otherwise transfer the title to or other interest in such real property unless the  
127 conveyance or transfer is first authorized by an act of the general assembly, except as provided  
128 in section 174.042, RSMo, and except that the board of regents may grant easements over, in and  
129 under such real property without further legislative action.

130 [14.] **13.** Notwithstanding any provision of subsection [13] **12** of this section to the  
131 contrary, the board of governors of Missouri Western State University, Central Missouri State  
132 University, Missouri State University, or Missouri Southern State University; or the board of  
133 regents of Southeast Missouri State University, Northwest Missouri State University, or  
134 Harris-Stowe State University; or the board of curators of Lincoln University may convey or  
135 otherwise transfer, except in fee simple, the title to or other interest in such real property without  
136 authorization by an act of the general assembly. The provisions of this subsection shall expire  
137 August 28, 2011.

138 [15.] **14.** All county sports complex authorities, and any sports complex authority located  
139 in a city not within a county, in existence on August 13, 1986, and organized under the  
140 provisions of sections 64.920 to 64.950, RSMo, are assigned to the office of administration, but  
141 such authorities shall not be subject to the provisions of subdivision (4) of subsection 6 of  
142 section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

143 [16.] **15.** All powers, duties, and functions vested in the administrative hearing  
144 commission, sections 621.015 to 621.205, RSMo, and others, are transferred to the office of  
145 administration by a type III transfer.

42.121. 1. **There is hereby established in the state treasury the "Missouri Veterans'  
2 Homes Fund".** All moneys received by the Missouri veterans' homes or any officer thereof  
3 from any source whatsoever shall be transmitted promptly to the [state treasurer] **director of**

4 **revenue** by the commission for deposit in the state treasury to the credit of the Missouri veterans'  
5 homes fund, which fund and all interest earned shall be maintained solely for the use of the  
6 Missouri veterans' homes. All interest earned from deposit of money in the Missouri veterans'  
7 homes fund shall be deposited to the credit of the Missouri veterans' homes fund and shall not  
8 be credited to general revenue.

9         2. The unexpended balance in the Missouri veterans' homes fund at the end of the  
10 biennium shall not be transferred to the ordinary revenue fund of the state treasury and shall be  
11 exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary  
12 revenue funds of the state by the state treasurer.

57.080. [1.] Whenever from any cause the office of sheriff becomes vacant, the same  
2 shall be filled by the county commission; if such vacancy happens more than nine months prior  
3 to the time of holding a general election, such county commission shall immediately order a  
4 special election to fill the same, and the person by it appointed shall hold said office until the  
5 person chosen at such election shall be duly qualified; otherwise the person appointed by such  
6 county commission shall hold office until the person chosen at such general election shall be  
7 duly qualified; but while such vacancy continues, any writ or process directed to the said sheriff  
8 and in such sheriff's hands at the time such vacancy occurs, remaining unexecuted, and any writ  
9 or process issued after such vacancy, may be served by any person selected by the plaintiff, the  
10 plaintiff's agent or attorney, at the risk of such plaintiff; and the clerk of any court out of which  
11 such writ or process shall issue shall endorse on such writ or process the authority to such person  
12 to execute and return the same, and shall state on such endorsement that the authority thus given  
13 is "at the request and risk of the plaintiff", and the person so named in said writ or process may  
14 proceed to execute and return said process, as sheriffs are by the law required to do. Such  
15 election shall be held on or before the tenth Tuesday after the vacancy occurs. Upon the  
16 occurrence of such vacancy, it shall be the duty of the presiding commissioner of the county  
17 commission, if such commission be not then in session, to call a special term thereof, and cause  
18 said election to be held.

19         [2. Notwithstanding the provisions of this section to the contrary, if a vacancy occurs in  
20 the office of the sheriff in any county of the first classification with more than seventy-one  
21 thousand three hundred but fewer than seventy-one thousand four hundred inhabitants, the  
22 election to fill such vacancy shall be held on the general municipal election day as provided for  
23 in section 115.121, RSMo. The provisions of this subsection shall expire on June 1, 2005.]

67.2677. For purposes of sections 67.2675 to 67.2714, the following terms mean:

- 2         (1) "Cable operator", as defined in 47 U.S.C. Section 522(5);
- 3         (2) "Cable system", as defined in 47 U.S.C. Section 522(7);

4 (3) "Franchise", an initial authorization, or renewal of an authorization, issued by a  
5 franchising entity, regardless of whether the authorization is designated as a franchise, permit,  
6 license, resolution, contract, certificate, agreement, or otherwise, that authorizes the provision  
7 of video service and any affiliated or subsidiary agreements related to such authorization;

8 (4) "Franchise area", the total geographic area authorized to be served by an incumbent  
9 cable operator in a political subdivision as of August 28, 2007, or, in the case of an incumbent  
10 local exchange carrier, as such term is defined in 47 U.S.C. Section 251(h), or affiliate thereof,  
11 the area within such political subdivision in which such carrier provides telephone exchange  
12 service;

13 (5) "Franchise entity", a political subdivision that was entitled to require franchises and  
14 impose fees on cable operators on the day before the [date of enactment] **effective date** of  
15 sections 67.2675 to 67.2714, provided that only one political subdivision may be a franchise  
16 entity with regard to a geographic area;

17 (6) (a) "Gross revenues", limited to amounts billed to video service subscribers or  
18 received from advertisers for the following:

19 a. Recurring charges for video service;

20 b. Event-based charges for video service, including but not limited to pay-per-view and  
21 video-on-demand charges;

22 c. Rental of set top boxes and other video service equipment;

23 d. Service charges related to the provision of video service, including but not limited to  
24 activation, installation, repair, and maintenance charges;

25 e. Administrative charges related to the provision of video service, including but not  
26 limited to service order and service termination charges; and

27 f. A pro rata portion of all revenue derived, less refunds, rebates, or discounts, by a video  
28 service provider for advertising over the video service network to subscribers within the  
29 franchise area where the numerator is the number of subscribers within the franchise area, and  
30 the denominator is the total number of subscribers reached by such advertising;

31 (b) "Gross revenues" do not include:

32 a. Discounts, refunds, and other price adjustments that reduce the amount of  
33 compensation received by an entity holding a video service authorization;

34 b. Uncollectibles;

35 c. Late payment fees;

36 d. Amounts billed to video service subscribers to recover taxes, fees, or surcharges  
37 imposed on video service subscribers or video service providers in connection with the provision  
38 of video services, including the video service provider fee authorized by this section;

39 e. Fees or other contributions for PEG or I-Net support; or

40 f. Charges for services other than video service that are aggregated or bundled with  
41 amounts billed to video service subscribers, if the entity holding a video service authorization  
42 reasonably can identify such charges on books and records kept in the regular course of business  
43 or by other reasonable means;

44 (c) Except with respect to the exclusion of the video service provider fee, gross revenues  
45 shall be computed in accordance with generally accepted accounting principles;

46 (7) "Household", an apartment, a house, a mobile home, or any other structure or part  
47 of a structure intended for residential occupancy as separate living quarters;

48 (8) "Incumbent cable operator", the cable service provider serving cable subscribers in  
49 a particular franchise area on September 1, 2007;

50 (9) "Low-income household", a household with an average annual household income of  
51 less than thirty-five thousand dollars [as determined by the most recent decennial census];

52 (10) "Person", an individual, partnership, association, organization, corporation, trust,  
53 or government entity;

54 (11) "Political subdivision", a city, town, village, county;

55 (12) "Public right-of-way", the area of real property in which a political subdivision has  
56 a dedicated or acquired right-of-way interest in the real property, including the area on, below,  
57 or above the present and future streets, alleys, avenues, roads, highways, parkways, or boulevards  
58 dedicated or acquired as right-of-way and utility easements dedicated for compatible uses. The  
59 term does not include the airwaves above a right-of-way with regard to wireless  
60 telecommunications or other nonwire telecommunications or broadcast service;

61 (13) "Video programming", programming provided by, or generally considered  
62 comparable to programming provided by, a television broadcast station, as set forth in 47 U.S.C.  
63 Section 522(20);

64 (14) "Video service", the provision of video programming provided through wireline  
65 facilities located at least in part in the public right-of-way without regard to delivery technology,  
66 including Internet protocol technology whether provided as part of a tier, on demand, or a  
67 per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6),  
68 but does not include any video programming provided by a commercial mobile service provider  
69 defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and  
70 via a service that enables users to access content, information, electronic mail, or other services  
71 offered over the public Internet;

72 (15) "Video service authorization", the right of a video service provider or an incumbent  
73 cable operator that secures permission from the public service commission pursuant to sections  
74 67.2675 to 67.2714, to offer video service to subscribers in a political subdivision;

75 (16) "Video service network", wireline facilities, or any component thereof, located at  
76 least in part in the public right-of-way that deliver video service, without regard to delivery  
77 technology, including Internet protocol technology or any successor technology. The term video  
78 service network shall include cable systems;

79 (17) "Video service provider", any person that distributes video service through a video  
80 service network pursuant to a video service authorization;

81 (18) "Video service provider fee", the fee imposed under section 67.2689.

99.918. As used in sections 99.915 to 99.980, unless the context clearly requires  
2 otherwise, the following terms shall mean:

3 (1) "Authority", the downtown economic stimulus authority for a municipality, created  
4 pursuant to section 99.921;

5 (2) "Baseline year", the calendar year prior to the adoption of an ordinance by the  
6 municipality approving a development project; provided, however, if economic activity taxes or  
7 state sales tax revenues, from businesses other than any out-of-state business or businesses  
8 locating in the development project area, decrease in the development project area in the year  
9 following the year in which the ordinance approving a development project is approved by a  
10 municipality, the baseline year may, at the option of the municipality approving the development  
11 project, be the year following the year of the adoption of the ordinance approving the  
12 development project. When a development project area is located within a county for which  
13 public and individual assistance has been requested by the governor pursuant to Section 401 of  
14 the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq.,  
15 for an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural  
16 disaster of major proportions that occurred after May 1, 2003, but prior to May 10, 2003, and the  
17 development project area is a central business district that sustained severe damage as a result  
18 of such natural disaster, as determined by the state emergency management agency, the baseline  
19 year may, at the option of the municipality approving the development project, be the calendar  
20 year in which the natural disaster occurred or the year following the year in which the natural  
21 disaster occurred, provided that the municipality adopts an ordinance approving the development  
22 project within one year after the occurrence of the natural disaster;

23 (3) "Blighted area", an area which, by reason of the predominance of defective or  
24 inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,  
25 improper subdivision or obsolete platting, or the existence of conditions which endanger life or  
26 property by fire and other causes, or any combination of such factors, retards the provision of  
27 housing accommodations or constitutes an economic or social liability or a menace to the public  
28 health, safety, morals, or welfare in its present condition and use;

29 (4) "Central business district", the area at or near the historic core that is locally known  
30 as the "downtown" of a municipality that has a median household income of sixty-two thousand  
31 dollars or less, according to the [last decennial census] **United States Census Bureau's**  
32 **American Community Survey, based on the most recent of five-year period estimate data**  
33 **in which the final year of the estimate ends in either zero or five.** In addition, at least fifty  
34 percent of existing buildings in this area will have been built in excess of thirty-five years prior  
35 or vacant lots that had prior structures built in excess of thirty-five years prior to the adoption of  
36 the ordinance approving the redevelopment plan. The historical land use emphasis of a central  
37 business district prior to redevelopment will have been a mixed use of business, commercial,  
38 financial, transportation, government, and multifamily residential uses;

39 (5) "Collecting officer", the officer of the municipality responsible for receiving and  
40 processing payments in lieu of taxes, economic activity taxes other than economic activity taxes  
41 which are local sales taxes, and other local taxes other than local sales taxes, and, for local sales  
42 taxes and state taxes, the director of revenue;

43 (6) "Conservation area", any improved area within the boundaries of a redevelopment  
44 area located within the territorial limits of a municipality in which fifty percent or more of the  
45 structures in the area have an age of thirty-five years or more, and such an area is not yet a  
46 blighted area but is detrimental to the public health, safety, morals, or welfare and may become  
47 a blighted area because of any one or more of the following factors: dilapidation; obsolescence;  
48 deterioration; illegal use of individual structures; presence of structures below minimum code  
49 standards; abandonment; excessive vacancies; overcrowding of structures and community  
50 facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land  
51 coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of  
52 community planning;

53 (7) "Development area", an area designated by a municipality in respect to which the  
54 municipality has made a finding that there exist conditions which cause the area to be classified  
55 as a blighted area or a conservation area, which area shall have the following characteristics:

56 (a) It includes only those parcels of real property directly and substantially benefited by  
57 the proposed development plan;

58 (b) It can be renovated through one or more development projects;

59 (c) It is located in the central business district;

60 (d) It has generally suffered from declining population or property taxes for the  
61 twenty-year period immediately preceding the area's designation as a development area or has  
62 structures in the area fifty percent or more of which have an age of thirty-five years or more;

63 (e) It is contiguous, provided, however that a development area may include up to three  
64 noncontiguous areas selected for development projects, provided that each noncontiguous area  
65 meets the requirements of paragraphs (a) to (g) herein;

66 (f) The development area shall not exceed ten percent of the entire area of the  
67 municipality; and

68 (g) The development area shall not include any property that is located within the one  
69 hundred year flood plain, as designated by the Federal Emergency Management Agency flood  
70 delineation maps, unless such property is protected by a structure that is inspected and certified  
71 by the United States Army Corps of Engineers. This subdivision shall not apply to property  
72 within the one hundred year flood plain if the buildings on the property have been or will be  
73 flood proofed in accordance with the Federal Emergency Management Agency's standards for  
74 flood proofing and the property is located in a home rule city with more than one hundred  
75 fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred  
76 inhabitants. Only those buildings certified as being flood proofed in accordance with the Federal  
77 Emergency Management Agency's standards for flood proofing by the authority shall be eligible  
78 for the state sales tax increment and the state income tax increment. Subject to the limitation set  
79 forth in this subdivision, the development area can be enlarged or modified as provided in  
80 section 99.951;

81 (8) "Development plan", the comprehensive program of a municipality to reduce or  
82 eliminate those conditions which qualified a development area as a blighted area or a  
83 conservation area, and to thereby enhance the tax bases of the taxing districts which extend into  
84 the development area through the reimbursement, payment, or other financing of development  
85 project costs in accordance with sections 99.915 to 99.980 and through the exercise of the  
86 powers set forth in sections 99.915 to 99.980. The development plan shall conform to the  
87 requirements of section 99.942;

88 (9) "Development project", any development project within a development area which  
89 constitutes a major initiative in furtherance of the objectives of the development plan, and any  
90 such development project shall include a legal description of the area selected for such  
91 development project;

92 (10) "Development project area", the area located within a development area selected  
93 for a development project;

94 (11) "Development project costs" include such costs to the development plan or a  
95 development project, as applicable, which are expended on public property, buildings, or  
96 rights-of-ways for public purposes to provide infrastructure to support [for] a development  
97 project. Such costs shall only be allowed as an initial expense which, to be recoverable, must  
98 be included in the costs of a development plan or development project, except in circumstances

99 of plan amendments approved by the Missouri development finance board and the department  
100 of economic development. Such infrastructure costs include, but are not limited to, the  
101 following:

102 (a) Costs of studies, appraisals, surveys, plans, and specifications;

103 (b) Professional service costs, including, but not limited to, architectural, engineering,  
104 legal, marketing, financial, planning, or special services;

105 (c) Property assembly costs, including, but not limited to, acquisition of land and other  
106 property, real or personal, or rights or interests therein, demolition of buildings, and the clearing  
107 and grading of land;

108 (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public  
109 buildings and fixtures;

110 (e) Costs of construction of public works or improvements;

111 (f) Financing costs, including, but not limited to, all necessary expenses related to the  
112 issuance of obligations issued to finance all or any portion of the infrastructure costs of one or  
113 more development projects, and which may include capitalized interest on any such obligations  
114 and reasonable reserves related to any such obligations;

115 (g) All or a portion of a taxing district's capital costs resulting from any development  
116 project necessarily incurred or to be incurred in furtherance of the objectives of the development  
117 plan, to the extent the municipality by written agreement accepts and approves such  
118 infrastructure costs;

119 (h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted  
120 by approval of a development project;

121 (i) State government costs, including, but not limited to, the reasonable costs incurred  
122 by the department of economic development, the department of revenue and the office of  
123 administration in evaluating an application for and administering state supplemental downtown  
124 development financing for a development project; and

125 (j) Endowment of positions at an institution of higher education which has a designation  
126 as a Carnegie Research I University including any campus of such university system, subject to  
127 the provisions of section 99.958. In addition, economic activity taxes and payment in lieu of  
128 taxes may be expended on or used to reimburse any reasonable or necessary costs incurred or  
129 estimated to be incurred in furtherance of a development plan or a development project;

130 (12) "Economic activity taxes", the total additional revenue from taxes which are  
131 imposed by the municipality and other taxing districts, and which are generated by economic  
132 activities within each development project area, which are not related to the relocation of any  
133 out-of-state business into the development project area, which exceed the amount of such taxes  
134 generated by economic activities within such development project area in the baseline year plus,

135 in development project areas where the baseline year is the year following the year in which the  
 136 development project is approved by the municipality pursuant to subdivision (2) of this section,  
 137 the total revenue from taxes which are imposed by the municipality and other taxing districts  
 138 which is generated by economic activities within the development project area resulting from the  
 139 relocation of an out-of-state business or out-of-state businesses to the development project area  
 140 pursuant to section 99.919; but excluding personal property taxes, taxes imposed on sales or  
 141 charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special  
 142 assessments. If a retail establishment relocates within one year from one facility to another  
 143 facility within the same county and the municipality or authority finds that the retail  
 144 establishment is a direct beneficiary of development financing, then for purposes of this  
 145 definition, the economic activity taxes generated by the retail establishment shall equal the total  
 146 additional revenues from taxes which are imposed by the municipality and other taxing districts  
 147 which are generated by the economic activities within the development project area which  
 148 exceed the amount of taxes which are imposed by the municipality and other taxing districts  
 149 which are generated by economic activities within the development project area generated by the  
 150 retail establishment in the baseline year;

151 (13) "Gambling establishment", an excursion gambling boat as defined in section  
 152 313.800, RSMo, and any related business facility including any real property improvements  
 153 which are directly and solely related to such business facility, whose sole purpose is to provide  
 154 goods or services to an excursion gambling boat and whose majority ownership interest is held  
 155 by a person licensed to conduct gambling games on an excursion gambling boat or licensed to  
 156 operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo;

157 (14) "Major initiative", a development project within a central business district that:

158 (a) Promotes tourism, cultural activities, arts, entertainment, education, research, arenas,  
 159 multipurpose facilities, libraries, ports, mass transit, museums, or conventions, the estimated cost  
 160 of which is in excess of the amount set forth below for the municipality, as applicable; or

161 (b) Promotes business location or expansion, the estimated cost of which is in excess of  
 162 the amount set forth below for the municipality, and is estimated to create at least as many new  
 163 jobs as set forth below within three years of such location or expansion:

164 Population of	Estimated	New Jobs
165 Municipality	Project Cost	Created
166 300,000 or more	\$10,000,000	at least 100
167 100,000 to 299,999	\$5,000,000	at least 50
168 50,001 to 99,999	\$1,000,000	at least 10
169 50,000 or less	\$500,000	at least 5;

170 (15) "Municipality", any city, village, incorporated town, or any county of this state  
171 established on or prior to January 1, 2001, or a census-designated place in any county designated  
172 by the county for purposes of sections 99.915 to 99.1060;

173 (16) "New job", any job defined as a new job pursuant to subdivision (11) of section  
174 100.710, RSMo;

175 (17) "Obligations", bonds, loans, debentures, notes, special certificates, or other  
176 evidences of indebtedness issued by the municipality or authority, or other public entity  
177 authorized to issue such obligations pursuant to sections 99.915 to 99.980 to carry out a  
178 development project or to refund outstanding obligations;

179 (18) "Ordinance", an ordinance enacted by the governing body of any municipality or  
180 an order of the governing body of such a municipal entity whose governing body is not  
181 authorized to enact ordinances;

182 (19) "Other net new revenues", the amount of state sales tax increment or state income  
183 tax increment or the combination of the amount of each such increment as determined under  
184 section 99.960;

185 (20) "Out-of-state business", a business entity or operation that has been located outside  
186 of the state of Missouri prior to the time it relocates to a development project area;

187 (21) "Payment in lieu of taxes", those revenues from real property in each development  
188 project area, which taxing districts would have received had the municipality not adopted a  
189 development plan and the municipality not adopted development financing, and which would  
190 result from levies made after the time of the adoption of development financing during the time  
191 the current equalized value of real property in such development project area exceeds the total  
192 equalized value of real property in such development project area during the baseline year until  
193 development financing for such development project area expires or is terminated pursuant to  
194 sections 99.915 to 99.980;

195 (22) "Special allocation fund", the fund of the municipality or its authority required to  
196 be established pursuant to section 99.957 which special allocation fund shall contain at least four  
197 separate segregated accounts into which payments in lieu of taxes are deposited in one account,  
198 economic activity taxes are deposited in a second account, other net new revenues are deposited  
199 in a third account, and other revenues, if any, received by the authority or the municipality for  
200 the purpose of implementing a development plan or a development project are deposited in a  
201 fourth account;

202 (23) "State income tax increment", up to fifty percent of the estimate of the income tax  
203 due the state for salaries or wages paid to new employees in new jobs at a business located in the  
204 development project area and created by the development project. The estimate shall be a  
205 percentage of the gross payroll which percentage shall be based upon an analysis by the

206 department of revenue of the practical tax rate on gross payroll as a factor in overall taxable  
207 income;

208 (24) "State sales tax increment", up to one-half of the incremental increase in the state  
209 sales tax revenue in the development project area. In no event shall the incremental increase  
210 include any amounts attributable to retail sales unless the Missouri development finance board  
211 and the department of economic development are satisfied based on information provided by the  
212 municipality or authority, and such entities have made a finding that a substantial portion of all  
213 but a de minimus portion of the sales tax increment attributable to retail sales is from new  
214 sources which did not exist in the state during the baseline year. The incremental increase for  
215 an existing facility shall be the amount by which the state sales tax revenue generated at the  
216 facility exceeds the state sales tax revenue generated at the facility in the baseline year. The  
217 incremental increase in development project areas where the baseline year is the year following  
218 the year in which the development project is approved by the municipality pursuant to  
219 subdivision (2) of this section shall be the state sales tax revenue generated by out-of-state  
220 businesses relocating into a development project area. The incremental increase for a Missouri  
221 facility which relocates to a development project area shall be the amount by which the state  
222 sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar  
223 year prior to relocation;

224 (25) "State sales tax revenues", the general revenue portion of state sales tax revenues  
225 received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally  
226 dedicated, taxes deposited to the school district trust fund in accordance with section 144.701,  
227 RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales  
228 taxes earmarked by law;

229 (26) "Taxing district's capital costs", those costs of taxing districts for capital  
230 improvements that are found by the municipal governing bodies to be necessary and to directly  
231 result from a development project; and

232 (27) "Taxing districts", any political subdivision of this state having the power to levy  
233 taxes.

99.1082. As used in sections 99.1080 to 99.1092, unless the context clearly requires  
2 otherwise, the following terms shall mean:

3 (1) "Baseline year", the calendar year prior to the adoption of an ordinance by the  
4 municipality approving a redevelopment project; provided, however, if local sales tax revenues  
5 or state sales tax revenues, from businesses other than any out-of-state business or businesses  
6 locating in the redevelopment project area, decrease in the redevelopment project area in the year  
7 following the year in which the ordinance approving a redevelopment project is approved by a  
8 municipality, the baseline year may, at the option of the municipality approving the

9 redevelopment project, be the year following the year of the adoption of the ordinance approving  
10 the redevelopment project. When a redevelopment project area is located within a county for  
11 which public and individual assistance has been requested by the governor under Section 401  
12 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq.,  
13 for an emergency proclaimed by the governor under section 44.100, RSMo, due to a natural  
14 disaster of major proportions and the redevelopment project area is a central business district that  
15 sustained severe damage as a result of such natural disaster, as determined by the state  
16 emergency management agency, the baseline year may, at the option of the municipality  
17 approving the redevelopment project, be the calendar year in which the natural disaster occurred  
18 or the year following the year in which the natural disaster occurred, provided that the  
19 municipality adopts an ordinance approving the redevelopment project within one year after the  
20 occurrence of the natural disaster;

21 (2) "Blighted area", an area which, by reason of the predominance of defective or  
22 inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,  
23 improper subdivision or obsolete platting, or the existence of conditions which endanger life or  
24 property by fire and other causes, or any combination of such factors, retards the provision of  
25 housing accommodations or constitutes an economic or social liability or a menace to the public  
26 health, safety, morals, or welfare in its present condition and use;

27 (3) "Central business district", the area at or near the historic core that is locally known  
28 as the "downtown" of a municipality that has a median household income of sixty-two thousand  
29 dollars or less, according to the [last decennial census] **United States Census Bureau's**  
30 **American Community Survey, based on the most recent of five-year period estimate data**  
31 **in which the final year of the estimate ends in either zero or five.** In addition, at least fifty  
32 percent of existing buildings in this area will have been built in excess of thirty-five years prior  
33 or vacant lots that had prior structures built in excess of thirty-five years prior to the adoption of  
34 the ordinance approving the redevelopment plan. The historical land use emphasis of a central  
35 business district prior to redevelopment will have been a mixed use of business, commercial,  
36 financial, transportation, government, and multifamily residential uses;

37 (4) "Conservation area", any improved area within the boundaries of a redevelopment  
38 area located within the territorial limits of a municipality in which fifty percent or more of the  
39 structures in the area have an age of thirty-five years or more, and such an area is not yet a  
40 blighted area but is detrimental to the public health, safety, morals, or welfare and may become  
41 a blighted area because of any one or more of the following factors: dilapidation; obsolescence;  
42 deterioration; illegal use of individual structures; presence of structures below minimum code  
43 standards; abandonment; excessive vacancies; overcrowding of structures and community  
44 facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land

45 coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of  
46 community planning;

47 (5) "Gambling establishment", an excursion gambling boat as defined in section 313.800,  
48 RSMo, and any related business facility including any real property improvements which are  
49 directly and solely related to such business facility, whose sole purpose is to provide goods or  
50 services to an excursion gambling boat and whose majority ownership interest is held by a person  
51 licensed to conduct gambling games on an excursion gambling boat or licensed to operate an  
52 excursion gambling boat as provided in sections 313.800 to 313.850, RSMo;

53 (6) "Local sales tax increment", at least fifty percent of the local sales tax revenue from  
54 taxes that are imposed by a municipality and its county, and that are generated by economic  
55 activities within a redevelopment area over the amount of such taxes generated by economic  
56 activities within such a redevelopment area in the calendar year prior to the adoption of the  
57 ordinance designating such a redevelopment area while financing under sections 99.1080 to  
58 99.1092 remains in effect, but excluding personal property taxes, taxes imposed on sales or  
59 charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special  
60 assessments; provided however, the governing body of any county may, by resolution, exclude  
61 any portion of any countywide sales tax of such county. For redevelopment projects or  
62 redevelopment plans approved after August 28, 2005, if a retail establishment relocates within  
63 one year from one facility within the same county and the governing body of the municipality  
64 finds that the retail establishment is a direct beneficiary of tax increment financing, then for the  
65 purposes of this subdivision, the economic activity taxes generated by the retail establishment  
66 shall equal the total additional revenues from economic activity taxes that are imposed by a  
67 municipality or other taxing district over the amount of economic activity taxes generated by the  
68 retail establishment in the calendar year prior to its relocation to the redevelopment area;

69 (7) "Local sales tax revenue", city sales tax revenues received under sections 94.500 to  
70 94.550, RSMo, and county sales tax revenues received under sections 67.500 to 67.594, RSMo;

71 (8) "Major initiative", a development project within a central business district which  
72 promotes tourism, cultural activities, arts, entertainment, education, research, arenas,  
73 multipurpose facilities, libraries, ports, mass transit, museums, economic development, or  
74 conventions for the municipality, and where the capital investment within the redevelopment  
75 project area is:

76 (a) At least five million dollars for a project area within a city having a population of one  
77 hundred thousand to one hundred ninety-nine thousand nine hundred and ninety-nine inhabitants;

78 (b) At least one million dollars for a project area within a city having a population of  
79 fifty thousand to ninety-nine thousand nine hundred and ninety-nine inhabitants;

80 (c) At least five hundred thousand dollars for a project area within a city having a  
81 population of ten thousand to forty-nine thousand nine hundred and ninety-nine inhabitants; or

82 (d) At least two hundred fifty thousand dollars for a project area within a city having a  
83 population of one to nine thousand nine hundred and ninety-nine inhabitants;

84 (9) "Municipality", any city or county of this state having fewer than two hundred  
85 thousand inhabitants;

86 (10) "Obligations", bonds, loans, debentures, notes, special certificates, or other  
87 evidences of indebtedness issued by the municipality or authority, or other public entity  
88 authorized to issue such obligations under sections 99.1080 to 99.1092 to carry out a  
89 redevelopment project or to refund outstanding obligations;

90 (11) "Ordinance", an ordinance enacted by the governing body of any municipality;

91 (12) "Redevelopment area", an area designated by a municipality in respect to which the  
92 municipality has made a finding that there exist conditions which cause the area to be classified  
93 as a blighted area or a conservation area, which area shall have the following characteristics:

94 (a) It can be renovated through one or more redevelopment projects;

95 (b) It is located in the central business district;

96 (c) The redevelopment area shall not exceed ten percent of the entire geographic area of  
97 the municipality. Subject to the limitation set forth in this subdivision, the redevelopment area  
98 can be enlarged or modified as provided in section 99.1088;

99 (13) "Redevelopment plan", the comprehensive program of a municipality to reduce or  
100 eliminate those conditions which qualify a redevelopment area as a blighted area or a  
101 conservation area, and to thereby enhance the tax bases of the taxing districts which extend into  
102 the redevelopment area through the reimbursement, payment, or other financing of  
103 redevelopment project costs in accordance with sections 99.1080 to 99.1092 and through  
104 application for and administration of downtown revitalization preservation program financing  
105 under sections 99.1080 to 99.1092;

106 (14) "Redevelopment project", any redevelopment project within a redevelopment area  
107 which constitutes a major initiative in furtherance of the objectives of the redevelopment plan,  
108 and any such redevelopment project shall include a legal description of the area selected for such  
109 redevelopment project;

110 (15) "Redevelopment project area", the area located within a redevelopment area selected  
111 for a redevelopment project;

112 (16) "Redevelopment project costs" include such costs to the redevelopment plan or a  
113 redevelopment project, as applicable, which are expended on public property, buildings, or  
114 rights-of-way for public purposes to provide infrastructure to support a redevelopment project,  
115 including facades. Such costs shall only be allowed as an initial expense which, to be

116 recoverable, must be included in the costs of a redevelopment plan or redevelopment project,  
117 except in circumstances of plan amendments approved by the department of economic  
118 development. Such infrastructure costs include, but are not limited to, the following:

119 (a) Costs of studies, appraisals, surveys, plans, and specifications;

120 (b) Professional service costs, including, but not limited to, architectural, engineering,  
121 legal, marketing, financial, planning, or special services;

122 (c) Property assembly costs, including, but not limited to, acquisition of land and other  
123 property, real or personal, or rights or interests therein, demolition of buildings, and the clearing  
124 and grading of land;

125 (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public  
126 buildings and fixtures;

127 (e) Costs of construction of public works or improvements;

128 (f) Financing costs, including, but not limited to, all necessary expenses related to the  
129 issuance of obligations issued to finance all or any portion of the infrastructure costs of one or  
130 more redevelopment projects, and which may include capitalized interest on any such obligations  
131 and reasonable reserves related to any such obligations;

132 (g) All or a portion of a taxing district's capital costs resulting from any redevelopment  
133 project necessarily incurred or to be incurred in furtherance of the objectives of the  
134 redevelopment plan, to the extent the municipality by written agreement accepts and approves  
135 such infrastructure costs;

136 (h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted  
137 by approval of a redevelopment project when all debt is retired;

138 (i) State government costs, including, but not limited to, the reasonable costs incurred  
139 by the department of economic development and the department of revenue in evaluating an  
140 application for and administering downtown revitalization preservation financing for a  
141 redevelopment project;

142 (17) "State sales tax increment", up to one-half of the incremental increase in the state  
143 sales tax revenue in the redevelopment project area provided the local taxing jurisdictions  
144 commit one-half of their local sales tax to paying for redevelopment project costs. The  
145 incremental increase shall be the amount by which the state sales tax revenue generated at the  
146 facility or within the redevelopment project area exceeds the state sales tax revenue generated  
147 at the facility or within the redevelopment project area in the baseline year. For redevelopment  
148 projects or redevelopment plans approved after August 28, 2005, if a retail establishment  
149 relocates within one year from one facility to another facility within the same county and the  
150 governing body of the municipality finds that the retail establishment is a direct beneficiary of  
151 tax increment financing, then for the purposes of this subdivision, the economic activity taxes

152 generated by the retail establishment shall equal the total additional revenues from economic  
153 activity taxes that are imposed by a municipality or other taxing district over the amount of  
154 economic activity taxes generated by the retail establishment in the calendar year prior to the  
155 relocation to the redevelopment area;

156 (18) "State sales tax revenues", the general revenue portion of state sales tax revenues  
157 received under section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated,  
158 taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales  
159 and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes  
160 earmarked by law;

161 (19) "Taxing district's capital costs", those costs of taxing districts for capital  
162 improvements that are found by the municipal governing bodies to be necessary and to directly  
163 result from a redevelopment project;

164 (20) "Taxing districts", any political subdivision of this state having the power to levy  
165 taxes.

115.177. Nothing in this subchapter shall be construed in any way as interfering with or  
2 discontinuing any person's valid registration which is in effect on January 1, 1978, until such  
3 time as the person is required to transfer his registration or to reregister under the provisions of  
4 sections 115.001 to 115.641 and [sections 51.450 and] **section 51.460**, RSMo.

135.205. For purposes of sections 135.200 to 135.256, an area must meet all the  
2 following criteria in order to qualify as an enterprise zone:

3 (1) The area is one of pervasive poverty, unemployment, and general distress;

4 (2) At least sixty-five percent of the residents living in the area have incomes below  
5 eighty percent of the median income of all residents within the state of Missouri according to the  
6 [last decennial census] **United States Census Bureau's American Community Survey, based**  
7 **on the most recent of five-year period estimate data in which the final year of the estimate**  
8 **ends in either zero or five** or other appropriate source as approved by the director;

9 (3) The resident population of the area must be at least four thousand but not more than  
10 seventy-two thousand at the time of designation as an enterprise zone if the area lies within a  
11 metropolitan statistical area, as established by the United States Census Bureau; or, if the area  
12 does not lie within a metropolitan statistical area, the resident population of the area at the time  
13 of designation must be at least one thousand but not more than twenty thousand inhabitants. If  
14 the population of the jurisdiction of the governing authority does not meet the minimum  
15 population requirements set forth in this subdivision, the population of the area must be at least  
16 fifty percent of the population of the jurisdiction; provided, however, no enterprise zone shall  
17 be created which consists of the total area within the political boundaries of a county; and

18 (4) The level of unemployment of persons, according to the most recent data available  
19 from the division of employment security or from the United States Bureau of Census and  
20 approved by the director, within the area exceeds one and one-half times the average rate of  
21 unemployment for the state of Missouri over the previous twelve months, or the percentage of  
22 area residents employed on a full-time basis is less than fifty percent of the statewide percentage  
23 of residents employed on a full-time basis.

135.207. 1. (1) Any city with a population of at least three hundred fifty thousand  
2 inhabitants which is located in more than one county and any city not within a county, which  
3 includes an existing state designated enterprise zone within the corporate limits of the city, may  
4 each, upon approval of the local governing authority of the city and the director of the  
5 department of economic development, designate up to three satellite zones within its corporate  
6 limits. A prerequisite for the designation of a satellite zone shall be the approval by the director  
7 of a plan submitted by the local governing authority of the city describing how the satellite zone  
8 corresponds to the city's overall enterprise zone strategy.

9 (2) Any Missouri community classified as a village whose borders lie adjacent to a city  
10 with a population in excess of three hundred fifty thousand inhabitants as described in  
11 subdivision (1) of this subsection, and which has within the corporate limits of the village a  
12 factory, mining operation, office, mill, plant or warehouse which has at least three thousand  
13 employees and has an investment in plant, machinery and equipment of at least two hundred  
14 million dollars may, upon securing approval of the director and the local governing authorities  
15 of the village and the adjacent city which contains an existing state-designated enterprise zone,  
16 designate one satellite zone to be located within the corporate limits of the village, such zone to  
17 be in addition to the six authorized in subdivision (1) of this subsection.

18 (3) Any geographical area partially contained within any city not within a county and  
19 partially contained within any county of the first classification with a charter form of government  
20 with a population of nine hundred thousand or more inhabitants, which area is comprised of a  
21 total population of at least four thousand inhabitants but not more than seventy-two thousand  
22 inhabitants, and which area consists of at least one fourth class city, and has within its boundaries  
23 a military reserve facility and a utility pumping station having a capacity of ten million cubic  
24 feet, may, upon securing approval of the director and the appropriate local governing authorities  
25 as provided for in section 135.210, be designated as a satellite zone, such zone to be in addition  
26 to the six authorized in subdivision (1) of this subsection.

27 (4) In addition to all other satellite zones authorized in this section, any home rule city  
28 with more than seventy-three thousand but less than seventy-five thousand inhabitants, which  
29 includes an existing state-designated enterprise zone within the corporate limits of the city, may,  
30 upon approval of the local governing authority of the city and director of the department of

31 economic development, designate a satellite zone within its corporate limits. A prerequisite for  
32 the designation of a satellite zone pursuant to this subdivision shall be the approval by the  
33 director of the department of economic development of a plan submitted by the local governing  
34 authority of such city describing how the satellite zone corresponds to the city's overall enterprise  
35 zone strategy.

36 (5) In addition to all other satellite zones authorized in this section, any home rule city  
37 with more than one hundred thirteen thousand two hundred but less than one hundred thirteen  
38 thousand three hundred inhabitants, which includes an existing state-designated enterprise zone  
39 within the corporate limits of the city, may, upon approval of the local governing authority of the  
40 city and director of the department of economic development, designate a satellite zone within  
41 its corporate limits along the southwest corner of any intersection of two United States interstate  
42 highways. A prerequisite for the designation of a satellite zone pursuant to this subdivision shall  
43 be the approval by the director of the department of economic development of a plan submitted  
44 by the local governing authority of such city describing how the satellite zone corresponds to the  
45 city's overall enterprise zone strategy.

46 (6) In addition to all other satellite zones authorized in this section, any home rule city  
47 with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one  
48 thousand six hundred inhabitants which includes an existing state-designated enterprise zone  
49 within the corporate limits of the city may, upon approval of the governing authority of the city  
50 and the director of the department of economic development, designate one satellite zone within  
51 its corporate limits. No satellite zone shall be designated pursuant to this subdivision until the  
52 governing authority of the city submits a plan describing how the satellite zone corresponds to  
53 the city's overall enterprise zone strategy and the director approves the plan.

54 (7) In addition to all other satellite zones authorized in this section, any city of the fourth  
55 classification with more than three thousand eight hundred but less than four thousand  
56 inhabitants and located in more than one county and which city lies adjacent to any home rule  
57 city with more than one hundred thirteen thousand two hundred but less than one hundred  
58 thirteen thousand three hundred inhabitants and which contains an enterprise zone may, upon  
59 approval of the director and the governing authorities of the city of the fourth classification and  
60 the home rule city, designate one satellite zone within its corporate limits. The satellite  
61 enterprise zone authorized by this [subsection] **subdivision** shall be designated only if it meets  
62 the criteria established by subsection 2 of this section. Retail businesses, as identified by the  
63 1997 North American Industry Classification System (NAICS) sector numbers 44-45, located  
64 within the satellite enterprise zone shall be eligible for all benefits provided under the provisions  
65 of sections 135.200 to 135.258.

66           2. For satellite zones designated pursuant to the provisions of subdivisions (1) and (3)  
67 of subsection 1 of this section, the satellite zones, in conjunction with the existing  
68 state-designated enterprise zone shall meet the following criteria:

69           (1) The area is one of pervasive poverty, unemployment, and general distress, or one in  
70 which a large number of jobs have been lost, a large number of employers have closed, or in  
71 which a large percentage of available production capacity is idle. For the purpose of this  
72 subdivision, "large number of jobs" means one percent or more of the area's population according  
73 to the most recent decennial census, and "large number of employers" means over five;

74           (2) At least fifty percent of the residents living in the area have incomes below eighty  
75 percent of the median income of all residents within the state of Missouri according to the [last  
76 decennial census] **United States Census Bureau's American Community Survey, based on**  
77 **the most recent of five-year period estimate data in which the final year of the estimate**  
78 **ends in either zero or five** or other appropriate source as approved by the director;

79           (3) The resident population of the existing state-designated enterprise zone and its  
80 satellite zones must be at least four thousand but not more than seventy-two thousand at the time  
81 of designation;

82           (4) The level of unemployment of persons, according to the most recent data available  
83 from the division of employment security or from the United States Bureau of Census and  
84 approved by the director, within the area exceeds one and one-half times the average rate of  
85 unemployment for the state of Missouri over the previous twelve months, or the percentage of  
86 area residents employed on a full-time basis is less than sixty percent of the statewide percentage  
87 of residents employed on a full-time basis.

88           3. A qualified business located within a satellite zone shall be subject to the same  
89 eligibility criteria and can be eligible to receive the same benefits as a qualified facility in  
90 sections 135.200 to 135.258.

135.230. 1. The exemption or credit established and allowed by section 135.220 and the  
2 credits allowed and established by subdivisions (1), (2), (3) and (4) of subsection 1 of section  
3 135.225 shall be granted with respect to any new business facility located within an enterprise  
4 zone for a vested period not to exceed ten years following the date upon which the new business  
5 facility commences operation within the enterprise zone and such exemption shall be calculated,  
6 for each succeeding year of eligibility, in accordance with the formulas applied in the initial year  
7 in which the new business facility is certified as such, subject, however, to the limitation that all  
8 such credits allowed in sections 135.225 and 135.235 and the exemption allowed in section  
9 135.220 shall be removed not later than fifteen years after the enterprise zone is designated as  
10 such. No credits shall be allowed pursuant to subdivision (1), (2), (3) or (4) of subsection 1 of  
11 section 135.225 or section 135.235 and no exemption shall be allowed pursuant to section

12 135.220 unless the number of new business facility employees engaged or maintained in  
13 employment at the new business facility for the taxable year for which the credit is claimed  
14 equals or exceeds two or the new business facility is a revenue-producing enterprise as defined  
15 in paragraph (d) of subdivision (6) of section 135.200. In order to qualify for either the  
16 exemption pursuant to section 135.220 or the credit pursuant to subdivision (4) of subsection 1  
17 of section 135.225, or both, it shall be required that at least thirty percent of new business facility  
18 employees, as determined by subsection 4 of section 135.110, meet the criteria established in  
19 section 135.240 or are residents of an enterprise zone or some combination thereof, except  
20 taxpayers who establish a new business facility by operating a revenue-producing enterprise as  
21 defined in paragraph (d) of subdivision (6) of section 135.200 or any taxpayer that is an  
22 insurance company that established a new business facility satisfying the requirements of  
23 subdivision (8) of section 135.100 located within an enterprise zone after June 30, 1993, and  
24 before December 31, 1994, and that employs in excess of three hundred fifty new business  
25 facility employees at such facility each tax period for which the credits allowable pursuant to  
26 subdivisions (1) to (4) of subsection 1 of section 135.225 are claimed shall not be required to  
27 meet such requirement. A new business facility described as SIC 3751 shall be required to  
28 employ fifteen percent of such employees instead of the required thirty percent. For the purpose  
29 of satisfying the thirty-percent requirement, residents must have lived in the enterprise zone for  
30 a period of at least one full calendar month and must have been employed at the new business  
31 facility for at least one full calendar month, and persons qualifying because they meet the  
32 requirements of section 135.240 must have satisfied such requirement at the time they were  
33 employed by the new business facility and must have been employed at the new business facility  
34 for at least one full calendar month. The director may temporarily reduce or waive this  
35 requirement for any business in an enterprise zone with ten or less full-time employees, and for  
36 businesses with eleven to twenty full-time employees this requirement may be temporarily  
37 reduced. No reduction or waiver may be granted for more than one tax period and shall not be  
38 renewable. The exemptions allowed in sections 135.215 and 135.220 and the credits allowed  
39 in sections 135.225 and 135.235 and the refund established and authorized in section 135.245  
40 shall not be allowed to any "public utility", as such term is defined in section 386.020, RSMo.  
41 For the purposes of achieving the fifteen-percent employment requirement set forth in this  
42 subsection, a new business facility described as NAICS 336991 may count employees who were  
43 residents of the enterprise zone at the time they were employed by the new business facility and  
44 for at least ninety days thereafter, regardless of whether such employees continue to reside in the  
45 enterprise zone, so long as the employees remain employed by the new business facility and  
46 residents of the state of Missouri.

47           2. Notwithstanding the provisions of subsection 1 of this section, motor carriers, barge  
48 lines or railroads engaged in transporting property for hire or any interexchange  
49 telecommunications company that establish a new business facility shall be eligible to qualify  
50 for the exemptions allowed in sections 135.215 and 135.220, and the credits allowed in sections  
51 135.225 and 135.235 and the refund established and authorized in section 135.245, except that  
52 trucks, truck-trailers, truck semitrailers, rail or barge vehicles or other rolling stock for hire,  
53 track, switches, bridges, barges, tunnels, rail yards and spurs shall not constitute new business  
54 facility investment nor shall truck drivers or rail or barge vehicle operators constitute new  
55 business facility employees.

56           3. Notwithstanding any other provision of sections 135.200 to 135.256 to the contrary,  
57 motor carriers establishing a new business facility on or after January 1, 1993, but before January  
58 1, 1995, may qualify for the tax credits available pursuant to sections 135.225 and 135.235 and  
59 the exemption provided in section 135.220, even if such new business facility has not satisfied  
60 the employee criteria, provided that such taxpayer employs an average of at least two hundred  
61 persons at such facility, exclusive of truck drivers and provided that such taxpayer maintains an  
62 average investment of at least ten million dollars at such facility, exclusive of rolling stock,  
63 during the tax period for which such credits and exemption are being claimed.

64           4. Any governing authority having jurisdiction of an area that has been designated an  
65 enterprise zone may petition the department to expand the boundaries of such existing enterprise  
66 zone. The director may approve such expansion if the director finds that:

67           (1) The area to be expanded meets the requirements prescribed in section 135.207 or  
68 135.210, whichever is applicable;

69           (2) The area to be expanded is contiguous to the existing enterprise zone; and

70           (3) The number of expansions do not exceed three after August 28, 1994.

71           5. Notwithstanding the fifteen-year limitation as prescribed in subsection 1 of this  
72 section, any governing authority having jurisdiction of an area that has been designated as an  
73 enterprise zone by the director, except one designated pursuant to this subsection, may file a  
74 petition, as prescribed by the director, for redesignation of such area for an additional period not  
75 to exceed seven years following the fifteenth anniversary of the enterprise zone's initial  
76 designation date; provided:

77           (1) The petition is filed with the director within three years prior to the date the tax  
78 credits authorized in sections 135.225 and 135.235 and the exemption allowed in section  
79 135.220 are required to be removed pursuant to subsection 1 of this section;

80           (2) The governing authority identifies and conforms the boundaries of the area to be  
81 designated a new enterprise zone to the political boundaries established by the latest decennial  
82 census, unless otherwise approved by the director;

83 (3) The area satisfies the requirements prescribed in subdivisions (3)[,] **and** (4) [and (5)]  
84 of section 135.205 according to the [latest decennial census] **United States Census Bureau's**  
85 **American Community Survey, based on the most recent of five-year period estimate data**  
86 **in which the final year of the estimate ends in either zero or five** or other appropriate source  
87 as approved by the director;

88 (4) The governing authority satisfies the requirements prescribed in sections 135.210,  
89 135.215 and 135.255;

90 (5) The director finds that the area is unlikely to support reasonable tax assessment or  
91 to experience reasonable economic growth without such designation; and

92 (6) The director's recommendation that the area be designated as an enterprise zone is  
93 approved by the joint committee on economic development policy and planning, as otherwise  
94 required in subsection 3 of section 135.210.

95 6. Any taxpayer having established a new business facility in an enterprise zone except  
96 one designated pursuant to subsection 5 of this section, who did not earn the tax credits  
97 authorized in sections 135.225 and 135.235 and the exemption allowed in section 135.220 for  
98 the full ten-year period because of the fifteen-year limitation as prescribed in subsection 1 of this  
99 section, shall be granted such benefits for ten tax years, less the number of tax years the benefits  
100 were claimed or could have been claimed prior to the expiration of the original fifteen-year  
101 period, except that such tax benefits shall not be earned for more than seven tax periods during  
102 the ensuing seven-year period, provided the taxpayer continues to operate the new business  
103 facility in an area that is designated an enterprise zone pursuant to subsection 5 of this section.  
104 Any taxpayer who establishes a new business facility subsequent to the commencement of the  
105 ensuing seven-year period, as authorized in subsection 5 of this section, may qualify for the tax  
106 credits authorized in sections 135.225 and 135.235, and the exemptions authorized in sections  
107 135.215 and 135.220, pursuant to the same terms and conditions as prescribed in sections  
108 135.100 to 135.256. The designation of any enterprise zone pursuant to subsection 5 of this  
109 section shall not be subject to the fifty enterprise zone limitation imposed in subsection 4 of  
110 section 135.210.

135.530. For the purposes of sections 100.010, 100.710 and 100.850, RSMo, sections  
2 135.110, 135.200, 135.258, 135.313, 135.403, 135.405, 135.503, 135.530 and 135.545, section  
3 215.030, RSMo, sections 348.300 and 348.302, RSMo, and sections 620.1400 to 620.1460,  
4 RSMo, "distressed community" means either a Missouri municipality within a metropolitan  
5 statistical area which has a median household income of under seventy percent of the median  
6 household income for the metropolitan statistical area, according to the [last decennial census]  
7 **United States Census Bureau's American Community Survey, based on the most recent of**  
8 **five-year period estimate data in which the final year of the estimate ends in either zero or**

9 **five**, or a United States census block group or contiguous group of block groups within a  
10 metropolitan statistical area which has a population of at least two thousand five hundred, and  
11 each block group having a median household income of under seventy percent of the median  
12 household income for the metropolitan area in Missouri, according to the [last decennial census]  
13 **United States Census Bureau's American Community Survey, based on the most recent of**  
14 **five-year period estimate data in which the final year of the estimate ends in either zero or**  
15 **five**. In addition the definition shall include municipalities not in a metropolitan statistical area,  
16 with a median household income of under seventy percent of the median household income for  
17 the nonmetropolitan areas in Missouri according to the [last decennial census] **United States**  
18 **Census Bureau's American Community Survey, based on the most recent of five-year**  
19 **period estimate data in which the final year of the estimate ends in either zero or five** or a  
20 census block group or contiguous group of block groups which has a population of at least two  
21 thousand five hundred **with** each block group having a median household income of under  
22 seventy percent of the median household income for the nonmetropolitan areas of Missouri,  
23 according to the [last decennial census] **United States Census Bureau's American Community**  
24 **Survey, based on the most recent of five-year period estimate data in which the final year**  
25 **of the estimate ends in either zero or five**. In metropolitan statistical areas, the definition shall  
26 include areas that were designated as either a federal empowerment zone; or a federal enhanced  
27 enterprise community; or a state enterprise zone that was originally designated before January  
28 1, 1986, but shall not include expansions of such state enterprise zones done after March 16,  
29 1988.

135.903. 1. To qualify as a rural empowerment zone, an area shall meet all the following  
2 criteria:  
3 (1) The area is one of pervasive poverty, unemployment, and general distress;  
4 (2) At least sixty-five percent of the population has earned income below eighty percent  
5 of the median income of all residents within the state according to the [last decennial census]  
6 **United States Census Bureau's American Community Survey, based on the most recent of**  
7 **five-year period estimate data in which the final year of the estimate ends in either zero or**  
8 **five** or other appropriate source as approved by the director;  
9 (3) The population of the area is at least four hundred but not more than three thousand  
10 five hundred at the time of designation as a rural empowerment zone;  
11 (4) The level of unemployment of persons, according to the most recent data available  
12 from the division of employment security or from the United States Bureau of Census and  
13 approved by the director, within the area exceeds one and one-half times the average rate of  
14 unemployment for the state of Missouri over the previous twelve months, or the percentage of

15 area residents employed on a full-time basis is less than fifty percent of the statewide percentage  
16 of residents employed on a full-time basis;

17 (5) The area is situated more than ten miles from any existing rural empowerment zone;

18 (6) The area is situated in a county of the third classification without a township form  
19 of government and with more than eight thousand nine hundred twenty-five but less than nine  
20 thousand twenty-five inhabitants; and

21 (7) The area is not situated in an existing enterprise zone.

22 2. The governing body of any county in which an area may be designated a rural  
23 empowerment zone shall submit to the department an application showing that the area complies  
24 with the requirements of subsection 1 of this section. The department shall declare the area a  
25 rural empowerment zone if upon investigation the department finds that the area meets the  
26 requirements of subsection 1 of this section. If the area is found not to meet the requirements,  
27 the governing body shall have the opportunity to submit another application for designation as  
28 a rural empowerment zone and the department shall designate the area a rural empowerment  
29 zone if upon investigation the department finds that the area meets the requirements of  
30 subsection 1 of this section.

31 3. There shall be no more than two rural empowerment zones as created under sections  
32 135.900 to 135.906 in existence at any time.

135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the  
2 following criteria in order to qualify as an enhanced enterprise zone:

3 (1) The area shall be a blighted area, have pervasive poverty, unemployment and general  
4 distress; and

5 (2) At least sixty percent of the residents living in the area have incomes below ninety  
6 percent of the median income of all residents:

7 (a) Within the state of Missouri, according to the [last decennial census] **United States**  
8 **Census Bureau's American Community Survey, based on the most recent of five-year**  
9 **period estimate data in which the final year of the estimate ends in either zero or five or**  
10 other appropriate source as approved by the director; or

11 (b) Within the county or city not within a county in which the area is located, according  
12 to the last decennial census or other appropriate source as approved by the director; and

13 (3) The resident population of the area shall be at least five hundred but not more than  
14 one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies  
15 within a metropolitan statistical area, as established by the United States Census Bureau, or if  
16 the area does not lie within a metropolitan statistical area, the resident population of the area at  
17 the time of designation shall be at least five hundred but not more than forty thousand  
18 inhabitants. If the population of the jurisdiction of the governing authority does not meet the

19 minimum population requirements set forth in this subdivision, the population of the area must  
20 be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise  
21 zone shall be created which consists of the total area within the political boundaries of a county;  
22 and

23 (4) The level of unemployment of persons, according to the most recent data available  
24 from the United States Bureau of Census and approved by the director, within the area is equal  
25 to or exceeds the average rate of unemployment for:

26 (a) The state of Missouri over the previous twelve months; or

27 (b) The county or city not within a county over the previous twelve months.

28 2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an  
29 enhanced enterprise zone may be established in an area located within a county for which public  
30 and individual assistance has been requested by the governor pursuant to Section 401 of the  
31 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for  
32 an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural  
33 disaster of major proportions, if the area to be designated is blighted and sustained severe  
34 damage as a result of such natural disaster, as determined by the state emergency management  
35 agency. An application for designation as an enhanced enterprise zone pursuant to this  
36 subsection shall be made before the expiration of one year from the date the governor requested  
37 federal relief for the area sought to be designated.

38 3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an  
39 enhanced enterprise zone may be designated in a county of declining population if it meets the  
40 requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the  
41 purposes of this subsection, a "county of declining population" is one that has lost one percent  
42 or more of its population as demonstrated by comparing the most recent decennial census  
43 population to the next most recent decennial census population for the county.

44 4. In addition to meeting the requirements of subsection 1, 2, or 3 of this section, an area,  
45 to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to  
46 have either:

47 (1) The potential to create sustainable jobs in a targeted industry; or

48 (2) A demonstrated impact on local industry cluster development.

142.800. As used in this chapter, the following words, terms and phrases have the  
2 meanings given:

3 (1) "Agricultural purposes", clearing, terracing or otherwise preparing the ground on a  
4 farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising  
5 and feeding livestock and poultry; building fences; pumping water for any and all uses on the  
6 farm, including irrigation; building roads upon any farm by the owner or person farming the

7 same; operating milking machines; sawing wood for use on a farm; producing electricity for use  
8 on a farm; movement of tractors, farm implements and nonlicensed equipment from one field  
9 to another;

10 (2) "Alternative fuel", electricity, liquefied petroleum gas (LPG or LP gas), compressed  
11 natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas  
12 or electricity product used in an internal combustion engine or motor to propel any form of  
13 vehicle, machine, or mechanical contrivance. It includes all forms of fuel commonly or  
14 commercially known or sold as butane, propane, or compressed natural gas;

15 (3) "Aviation fuel", any motor fuel specifically compounded for use in reciprocating  
16 aircraft engines;

17 (4) "Blend stock", any petroleum product component of motor fuel, such as naphtha,  
18 reformat, toluene or kerosene, that can be blended for use in a motor fuel without further  
19 processing. The term includes those petroleum products presently defined by the Internal  
20 Revenue Service in regulations pursuant to 26 U.S.C., Sections 4081 and 4082, as amended.  
21 However, the term does not include any substance that:

22 (a) Will be ultimately used for consumer nonmotor fuel use; and

23 (b) Is sold or removed in drum quantities (fifty-five gallons) or less at the time of the  
24 removal or sale;

25 (5) "Blended fuel", a mixture composed of motor fuel and another liquid including blend  
26 stock, other than a de minimis amount of a product such as carburetor detergent or oxidation  
27 inhibitor, that can be used as a fuel in a highway vehicle. This term includes but is not limited  
28 to gasohol, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;

29 (6) "Blender", any person that produces blended motor fuel outside the bulk  
30 transfer/terminal system;

31 (7) "Blending", the mixing of one or more petroleum products, with or without another  
32 product, regardless of the original character of the product blended, if the product obtained by  
33 the blending is capable of use or otherwise sold for use in the generation of power for the  
34 propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the  
35 blending that occurs in the process of refining by the original refiner of crude petroleum or the  
36 blending of products known as lubricating oil and greases;

37 (8) "Bulk plant", a bulk motor fuel storage and distribution facility that is not a terminal  
38 within the bulk transfer system and from which motor fuel may be removed by truck;

39 (9) "Bulk transfer", any transfer of motor fuel from one location to another by pipeline  
40 tender or marine delivery within the bulk transfer/terminal system;

41 (10) "Bulk transfer/terminal system", the motor fuel distribution system consisting of  
42 refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or

43 terminal is in the bulk transfer/terminal system. Motor fuel in the fuel supply tank of any engine,  
44 or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation  
45 is not in the bulk transfer/terminal system;

46 (11) "Consumer", the user of the motor fuel;

47 (12) "Delivery", the placing of motor fuel or any liquid into the fuel tank of a motor  
48 vehicle or bulk storage facility;

49 (13) "Department", the department of revenue;

50 (14) "Destination state", the state, territory, or foreign country to which motor fuel is  
51 directed for delivery into a storage facility, a receptacle, a container, or a type of transportation  
52 equipment for the purpose of resale or use;

53 (15) "Diesel fuel", any liquid that is commonly or commercially known or sold as a fuel  
54 that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if,  
55 without further processing or blending, the liquid has practical and commercial fitness for use  
56 in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" does not include  
57 jet fuel sold to a buyer who is registered with the Internal Revenue Service to purchase jet fuel  
58 and remit taxes on its sale or use to the Internal Revenue Service. "Diesel fuel" does not include  
59 biodiesel commonly referred to as B100 and defined in ASTM D6751, B99, or B99.9 until such  
60 biodiesel is blended with other diesel fuel or sold for highway use;

61 (16) "Diesel-powered highway vehicle", a motor vehicle operated on a highway that is  
62 propelled by a diesel-powered engine;

63 (17) "Director", the director of revenue;

64 (18) "Distributor", a person who either produces, refines, blends, compounds or  
65 manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or  
66 who is engaged in distribution of motor fuel;

67 (19) "Dyed fuel", diesel fuel or kerosene that is required to be dyed pursuant to United  
68 States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service  
69 rules or pursuant to any other requirements subsequently set by the United States Environmental  
70 Protection Agency or Internal Revenue Service including any invisible marker requirements;

71 (20) "Eligible purchaser", a distributor who has been authorized by the director to  
72 purchase motor fuel on a tax-deferred basis;

73 (21) "Export", to obtain motor fuel in this state for sale or other distribution outside of  
74 this state. In applying this definition, motor fuel delivered out of state by or for the seller  
75 constitutes an export by the seller, and motor fuel delivered out of state by or for the purchaser  
76 constitutes an export by the purchaser;

77 (22) "Exporter", any person, other than a supplier, who purchases motor fuel in this state  
78 for the purpose of transporting or delivering the fuel outside of this state;

79 (23) "Farm tractor", all tractor-type, motorized farm implements and equipment but shall  
80 not include motor vehicles of the truck-type, pickup truck-type, automobiles, and other motor  
81 vehicles required to be registered and licensed each year pursuant to the provisions of the motor  
82 vehicle license and registration laws of this state;

83 (24) "Fuel grade alcohol", a methanol or ethanol with a proof of not less than one  
84 hundred ninety degrees (determined without regard to denaturants) and products derived from  
85 such alcohol for blending with motor fuel;

86 (25) "Fuel transportation vehicle", any vehicle designed for highway use which is also  
87 designed or used to transport motor fuels and includes transport trucks and tank wagons;

88 (26) "Gasoline", all products commonly or commercially known or sold as gasoline that  
89 are suitable for use as a motor fuel. Gasoline does not include products that have an American  
90 Society for Testing and Materials (ASTM) octane number of less than seventy-five as determined  
91 by the motor method;

92 (27) "Gross gallons", the total measured motor fuel, exclusive of any temperature or  
93 pressure adjustments, in U.S. gallons;

94 (28) "Heating oil", a motor fuel that is burned in a boiler, furnace, or stove for heating  
95 or industrial processing purposes;

96 (29) "Import", to bring motor fuel into this state by any means of conveyance other than  
97 in the fuel supply tank of a motor vehicle. In applying this definition, motor fuel delivered into  
98 this state from out-of-state by or for the seller constitutes an import by the seller, and motor fuel  
99 delivered into this state from out-of-state by or for the purchaser constitutes an import by the  
100 purchaser;

101 (30) "Import verification number", the number assigned by the director with respect to  
102 a single transport truck delivery into this state from another state upon request for an assigned  
103 number by an importer or the transporter carrying motor fuel into this state for the account of an  
104 importer;

105 (31) "Importer" includes any person who is the importer of record, pursuant to federal  
106 customs law, with respect to motor fuel. If the importer of record is acting as an agent, the  
107 person for whom the agent is acting is the importer. If there is no importer of record of motor  
108 fuel entered into this state, the owner of the motor fuel at the time it is brought into this state is  
109 the importer;

110 (32) ["Indian country":

111 (a) Land held in trust by the United States of America for the benefit of a federally  
112 recognized Indian tribe or nation;

113 (b) All land within the limits of any Indian reservation under the jurisdiction of the  
114 United States government, notwithstanding the issuance of any patent, and including  
115 rights-of-way running through the reservation;

116 (c) All dependent Indian communities within the borders of the United States whether  
117 within the original or subsequently acquired territory thereof, and whether within or without the  
118 limits of a state; and

119 (d) All Indian allotments, the Indian titles to which have not been extinguished,  
120 including individual allotments held in trust by the United States or allotments owned in fee by  
121 individual Indians subject to federal law restrictions regarding disposition of said allotments and  
122 including rights-of-way running through the same. The term shall also include the definition of  
123 Indian country as found in 18 U.S.C., Section 1151;

124 (33) "Indian tribe", "tribes", or "federally recognized Indian tribe or nation", an Indian  
125 tribal entity which is recognized by the United States Bureau of Indian Affairs as having a special  
126 relationship with the United States. The term shall also include the definition of a tribe as  
127 defined in 25 U.S.C., Section 479a;

128 (34) "Interstate motor fuel user", any person who operates a motor fuel-powered motor  
129 vehicle with a licensed gross weight exceeding twenty-six thousand pounds that travels from this  
130 state into another state or from another state into this state;

131 [(35)] (33) "Invoiced gallons", the gallons actually billed on an invoice for payment to  
132 a supplier which shall be either gross or net gallons on the original manifest or bill of lading;

133 [(36)] (34) "K-1 kerosene", a petroleum product having an A.P.I. gravity of not less than  
134 forty degrees, at a temperature of sixty degrees Fahrenheit and a minimum flash point of one  
135 hundred degrees Fahrenheit with a sulfur content not exceeding four one-hundredths percent by  
136 weight;

137 [(37)] (35) "Kerosene", the petroleum fraction containing hydrocarbons that are slightly  
138 heavier than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine  
139 to three hundred degrees Celsius;

140 [(38)] (36) "Liquid", any substance that is liquid in excess of sixty degrees Fahrenheit  
141 and at a pressure of fourteen and seven-tenths pounds per square inch absolute;

142 [(39)] (37) "Motor fuel", gasoline, diesel fuel, kerosene and blended fuel;

143 [(40)] (38) "Motor vehicle", any automobile, truck, truck-tractor or any motor bus or  
144 self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term  
145 does not include:

146 (a) Farm tractors or machinery including tractors and machinery designed for off-road  
147 use but capable of movement on roads at low speeds, or

148 (b) A vehicle solely operated on rails;

149 [(41)] **(39)** "Net gallons", the motor fuel, measured in U.S. gallons, when corrected to  
150 a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per  
151 square inch absolute (psi);

152 [(42)] **(40)** "Permissive supplier", an out-of-state supplier that elects, but is not required,  
153 to have a supplier's license pursuant to this chapter;

154 [(43)] **(41)** "Person", natural persons, individuals, partnerships, firms, associations,  
155 corporations, estates, trustees, business trusts, syndicates, this state, any county, city,  
156 municipality, school district or other political subdivision of the state, federally recognized  
157 Indian tribe, or any corporation or combination acting as a unit or any receiver appointed by any  
158 state or federal court;

159 [(44)] **(42)** "Position holder", the person who holds the inventory position in motor fuel  
160 in a terminal, as reflected on the records of the terminal operator. A person holds the inventory  
161 position in motor fuel when that person has a contract with the terminal operator for the use of  
162 storage facilities and terminating services for motor fuel at the terminal. The term includes a  
163 terminal operator who owns motor fuel in the terminal;

164 [(45)] **(43)** "Propel", the operation of a motor vehicle, whether it is in motion or at rest;

165 [(46)] **(44)** "Public highway", every road, toll road, highway, street, way or place  
166 generally open to the use of the public as a matter of right for the purposes of vehicular travel,  
167 including streets and alleys of any town or city notwithstanding that the same may be temporarily  
168 closed for construction, reconstruction, maintenance or repair;

169 [(47)] **(45)** "Qualified terminal", a terminal which has been assigned a terminal control  
170 number ("tcn") by the Internal Revenue Service;

171 [(48)] **(46)** "Rack", a mechanism for delivering motor fuel from a refinery or terminal  
172 into a railroad tank car, a transport truck or other means of bulk transfer outside of the bulk  
173 transfer/terminal system;

174 [(49)] **(47)** "Refiner", any person that owns, operates, or otherwise controls a refinery;

175 [(50)] **(48)** "Refinery", a facility used to produce motor fuel from crude oil, unfinished  
176 oils, natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by  
177 pipeline, by boat or barge, or at a rack;

178 [(51)] **(49)** "Removal", any physical transfer of motor fuel from a terminal,  
179 manufacturing plant, customs custody, pipeline, boat or barge, refinery or any facility that stores  
180 motor fuel;

181 [(52)] **(50)** "Retailer", a person that engages in the business of selling or dispensing to  
182 the consumer within this state;

183 [(53)] **(51)** "Supplier", a person that is:

184 (a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for  
185 transactions in motor fuels in the bulk transfer/terminal distribution system; and

186 (b) One or more of the following:

187 a. The position holder in a terminal or refinery in this state;

188 b. Imports motor fuel into this state from a foreign country;

189 c. Acquires motor fuel from a terminal or refinery in this state from a position holder  
190 pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as  
191 an exchange and appears on the records of the terminal operator; or

192 d. The position holder in a terminal or refinery outside this state with respect to motor  
193 fuel which that person imports into this state. A terminal operator shall not be considered a  
194 supplier based solely on the fact that the terminal operator handles motor fuel consigned to it  
195 within a terminal. "Supplier" also means a person that produces fuel grade alcohol or  
196 alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative  
197 substances for import to this state into a terminal, or acquires upon import by truck, rail car or  
198 barge into a terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes  
199 a permissive supplier unless specifically provided otherwise;

200 [(54)] **(52)** "Tank wagon", a straight truck having multiple compartments designed or  
201 used to carry motor fuel;

202 [(55)] **(53)** "Terminal", a bulk storage and distribution facility which includes:

203 (a) For the purposes of motor fuel, is a qualified terminal;

204 (b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or  
205 pipeline and the products are removed at a rack;

206 [(56)] **(54)** "Terminal bulk transfers" include but are not limited to the following:

207 (a) Boat or barge movement of motor fuel from a refinery or terminal to a terminal;

208 (b) Pipeline movements of motor fuel from a refinery or terminal to a terminal;

209 (c) Book transfers of product within a terminal between suppliers prior to completion  
210 of removal across the rack; and

211 (d) Two-party exchanges or buy-sell supply arrangements within a terminal between  
212 licensed suppliers;

213 [(57)] **(55)** "Terminal operator", any person that owns, operates, or otherwise controls  
214 a terminal. A terminal operator may own the motor fuel that is transferred through or stored in  
215 the terminal;

216 [(58)] **(56)** "Transmix", the buffer or interface between two different products in a  
217 pipeline shipment, or a mix of two different products within a refinery or terminal that results  
218 in an off-grade mixture;

219 [(59)] (57) "Transport truck", a semitrailer combination rig designed or used to transport  
220 motor fuel over the highways;

221 [(60)] (58) "Transporter", any operator of a pipeline, barge, railroad or transport truck  
222 engaged in the business of transporting motor fuels;

223 [(61)] (59) "Two-party exchange", a transaction in which the motor fuel is transferred  
224 from one licensed supplier or licensed permissive supplier to another licensed supplier or  
225 licensed permissive supplier and:

226 (a) Which transaction includes a transfer from the person that holds the original  
227 inventory position for motor fuel in the terminal as reflected on the records of the terminal  
228 operator; and

229 (b) The exchange transaction is simultaneous with removal from the terminal by the  
230 receiving exchange partner. However, in any event, the terminal operator in its books and  
231 records treats the receiving exchange party as the supplier which removes the product across a  
232 terminal rack for purposes of reporting such events to this state;

233 [(62)] (60) "Ultimate vendor", a person that sells motor fuel to the consumer;

234 [(63)] (61) "Undyed diesel fuel", diesel fuel that is not subject to the United States  
235 Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with  
236 Internal Revenue Service fuel dyeing provisions; and

237 [(64)] (62) "Vehicle fuel tank", any receptacle on a motor vehicle from which fuel is  
238 supplied for the propulsion of the motor vehicle.

142.815. 1. Motor fuel used for the following nonhighway purposes is exempt from the  
2 fuel tax imposed by this chapter, and a refund may be claimed by the consumer, except as  
3 provided for in [subsection] **subdivision** (1) of this [section] **subsection**, if the tax has been paid  
4 and no refund has been previously issued:

5 (1) Motor fuel used for nonhighway purposes including fuel for farm tractors or  
6 stationary engines owned or leased and operated by any person and used exclusively for  
7 agricultural purposes and including, beginning January 1, 2006, bulk sales of one hundred  
8 gallons or more of gasoline made to farmers and delivered by the ultimate vender to a farm  
9 location for agricultural purposes only. As used in this section, the term "farmer" shall mean any  
10 person engaged in farming in an authorized farm corporation, family farm, or family farm  
11 corporation as defined in section 350.010, RSMo. At the discretion of the ultimate vender, the  
12 refund may be claimed by the ultimate vender on behalf of the consumer for sales made to  
13 farmers and to persons engaged in construction for agricultural purposes as defined in section  
14 142.800. After December 31, 2000, the refund may be claimed only by the consumer and may  
15 not be claimed by the ultimate vender unless bulk sales of gasoline are made to a farmer after  
16 January 1, 2006, as provided in this subdivision and the farmer provides an exemption certificate

17 to the ultimate vender, in which case the ultimate vender may make a claim for refund under  
18 section 142.824 but shall be liable for any erroneous refund;

19 (2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft  
20 or for training, testing or research purposes of aircraft engines;

21 (3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized  
22 flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly  
23 exempted pursuant to another provision.

24 2. Subject to the procedural requirements and conditions set out in this chapter, the  
25 following uses are exempt from the tax imposed by section 142.803 on motor fuel, and a  
26 deduction or a refund may be claimed:

27 (1) Motor fuel for which proof of export is available in the form of a terminal-issued  
28 destination state shipping paper and which is either:

29 (a) Exported by a supplier who is licensed in the destination state or through the bulk  
30 transfer system;

31 (b) Removed by a licensed distributor for immediate export to a state for which all the  
32 applicable taxes and fees (however nominated in that state) of the destination state have been  
33 paid to the supplier, as a trustee, who is licensed to remit tax to the destination state; or which  
34 is destined for use within the destination state by the federal government for which an exemption  
35 has been made available by the destination state subject to procedural rules and regulations  
36 promulgated by the director; or

37 (c) Acquired by a licensed distributor and which the tax imposed by this chapter has  
38 previously been paid or accrued either as a result of being stored outside of the bulk transfer  
39 system immediately prior to loading or as a diversion across state boundaries properly reported  
40 in conformity with this chapter and was subsequently exported from this state on behalf of the  
41 distributor; The exemption pursuant to paragraph (a) of this subdivision shall be claimed by a  
42 deduction on the report of the supplier which is otherwise responsible for remitting the tax upon  
43 removal of the product from a terminal or refinery in this state. The exemption pursuant to  
44 paragraphs (b) and (c) of this subdivision shall be claimed by the distributor, upon a refund  
45 application made to the director within three years. A refund claim may be made monthly or  
46 whenever the claim exceeds one thousand dollars;

47 (2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and  
48 constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and  
49 undyed K-1 kerosene sold at retail through nonbarricaded dispensers in quantities of not more  
50 than twenty-one gallons for use other than for highway purposes. Exempt use of undyed  
51 kerosene shall be governed by rules and regulations of the director. If no rules or regulations are  
52 promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules

53 and regulations of the Internal Revenue Service. A distributor or supplier delivering to a retail  
54 facility shall obtain an exemption certificate from the owner or operator of such facility stating  
55 that its sales conform to the dispenser requirements of this subdivision. A licensed distributor,  
56 having obtained such certificate, may provide a copy to his or her supplier and obtain undyed  
57 kerosene without the tax levied by section 142.803. Having obtained such certificate in good  
58 faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable  
59 manner. An ultimate vendor who obtained undyed kerosene upon which the tax levied by  
60 section 142.803 had been paid and makes sales qualifying pursuant to this subsection may apply  
61 for a refund of the tax pursuant to application, as provided in section 142.818, to the director  
62 provided the ultimate vendor did not charge such tax to the consumer;

63 (3) Motor fuel sold to the United States or any agency or instrumentality thereof. This  
64 exemption shall be claimed as provided in section 142.818;

65 (4) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public  
66 roads and highways of this state when leased or owned and when being operated by a federally  
67 recognized Indian tribe in the performance of essential governmental functions, such as  
68 providing police, fire, health or water services. The exemption for use pursuant to this  
69 subdivision shall be made available to the tribal government upon a refund application stating  
70 that the motor fuel was purchased for the exclusive use of the tribe in performing named  
71 essential governmental services;

72 (5) [Motor fuel sold within an Indian reservation or within Indian country by a federally  
73 recognized Indian tribe to a member of that tribe and used in motor vehicles owned by a member  
74 of the tribe within Indian country. This exemption does not apply to sales within an Indian  
75 reservation or within Indian country by a federally recognized Indian tribe to non-Indian  
76 consumers or to Indian consumers who are not members of the tribe selling the motor fuel. This  
77 exemption shall be administered as provided in section 142.821;

78 (6) That portion of motor fuel used to operate equipment attached to a motor vehicle,  
79 if the motor fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel  
80 reservoir for travel on a highway and for the operation of equipment, or if the motor fuel was  
81 placed in a separate fuel tank and used only for the operation of auxiliary equipment. The  
82 exemption for use pursuant to this subdivision shall be claimed by a refund claim filed by the  
83 consumer who shall provide evidence of an allocation of use satisfactory to the director;

84 [(7)] (6) Motor fuel acquired by a consumer out-of-state and carried into this state,  
85 retained within and consumed from the same vehicle fuel supply tank within which it was  
86 imported, except interstate motor fuel users;

87 [(8)] (7) Motor fuel which was purchased tax-paid and which was lost or destroyed as  
88 a direct result of a sudden and unexpected casualty or which had been accidentally contaminated

89 so as to be unsalable as highway fuel as shown by proper documentation as required by the  
90 director. The exemption pursuant to this subdivision shall be refunded to the person or entity  
91 owning the motor fuel at the time of the contamination or loss. Such person shall notify the  
92 director in writing of such event and the amount of motor fuel lost or contaminated within ten  
93 days from the date of discovery of such loss or contamination, and within thirty days after such  
94 notice, shall file an affidavit sworn to by the person having immediate custody of such motor fuel  
95 at the time of the loss or contamination, setting forth in full the circumstances and the amount  
96 of the loss or contamination and such other information with respect thereto as the director may  
97 require;

98 ~~[(9)]~~ **(8)** Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption  
99 shall be claimed as follows:

100 (a) A supplier or importer shall take a deduction against motor fuel tax owed on their  
101 monthly report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from  
102 a terminal or refinery destined for delivery to a point in this state as shown on the shipping  
103 papers;

104 (b) This exemption shall be claimed by a deduction on the report of the supplier which  
105 is otherwise responsible for remitting the tax on removal of the product from a terminal or  
106 refinery in this state;

107 (c) This exemption shall be claimed by the distributor, upon a refund application made  
108 to the director within three years. A refund claim may be made monthly or whenever the claim  
109 exceeds one thousand dollars.

143.171. 1. [For all tax years beginning before January 1, 1994, for an individual  
2 taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the  
3 taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the  
4 Internal Revenue Code for the same taxable year for which the Missouri return is being filed  
5 after reduction for all credits thereon, except the credit for payments of federal estimated tax, the  
6 credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue  
7 Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States  
8 possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

9 2.] For all tax years beginning on or after January 1, 1994, an individual taxpayer shall  
10 be allowed a deduction for his federal income tax liability under chapter 1 of the Internal  
11 Revenue Code for the same taxable year for which the Missouri return is being filed, not to  
12 exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined  
13 return, after reduction for all credits thereon, except the credit for payments of federal estimated  
14 tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal  
15 Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and

16 United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and  
17 lubricating oils).

18 [3.] 2. For all tax years beginning on or after September 1, 1993, a corporate taxpayer  
19 shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1  
20 of the Internal Revenue Code for the same taxable year for which the Missouri return is being  
21 filed after reduction for all credits thereon, except the credit for payments of federal estimated  
22 tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal  
23 Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and  
24 United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and  
25 lubricating oils).

26 [4.] 3. If a federal income tax liability for a tax year prior to the applicability of sections  
27 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid  
28 or accrued, he may deduct the federal tax in the later year to the extent it would have been  
29 deductible if paid or accrued in the prior year.

173.005. 1. There is hereby created a "Department of Higher Education", and the  
2 division of higher education of the department of education is abolished and all its powers,  
3 duties, functions, personnel and property are transferred as provided by the Reorganization Act  
4 of 1974, Appendix B, RSMo.

5 2. The commission on higher education is abolished and all its powers, duties, personnel  
6 and property are transferred by type I transfer to the "Coordinating Board for Higher Education",  
7 which is hereby created, and the coordinating board shall be the head of the department. The  
8 coordinating board shall consist of nine members appointed by the governor with the advice and  
9 consent of the senate, and not more than five of its members shall be of the same political party.  
10 None of the members shall be engaged professionally as an educator or educational administrator  
11 with a public or private institution of higher education at the time appointed or during his term.  
12 The other qualifications, terms and compensation of the coordinating board shall be the same as  
13 provided by law for the curators of the University of Missouri. The coordinating board may, in  
14 order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section,  
15 employ such professional, clerical and research personnel as may be necessary to assist it in  
16 performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time  
17 equivalent employees regardless of the source of funding. In addition to all other powers, duties  
18 and functions transferred to it, the coordinating board for higher education shall have the  
19 following duties and responsibilities:

20 (1) The coordinating board for higher education shall have approval of proposed new  
21 degree programs to be offered by the state institutions of higher education;

22           (2) The coordinating board for higher education may promote and encourage the  
23 development of cooperative agreements between Missouri public four-year institutions of higher  
24 education which do not offer graduate degrees and Missouri public four-year institutions of  
25 higher education which do offer graduate degrees for the purpose of offering graduate degree  
26 programs on campuses of those public four-year institutions of higher education which do not  
27 otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of  
28 the parties, including assignment of administrative responsibility. Any diploma awarded for  
29 graduate degrees under such a cooperative agreement shall include the names of both institutions  
30 inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no  
31 further approval from the coordinating board for higher education. Any costs incurred with  
32 respect to the administrative provisions of this subdivision may be paid from state funds  
33 allocated to the institution assigned the administrative authority for the program. The provisions  
34 of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this  
35 subsection;

36           (3) In consultation with the heads of the institutions of higher education affected and  
37 against a background of carefully collected data on enrollment, physical facilities, manpower  
38 needs, institutional missions, the coordinating board for higher education shall establish  
39 guidelines for appropriation requests by those institutions of higher education; however, other  
40 provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated  
41 by the general assembly to the governing board of each public four-year institution of higher  
42 education which shall prepare expenditure budgets for the institution;

43           (4) No new state-supported senior colleges or residence centers shall be established  
44 except as provided by law and with approval of the coordinating board for higher education;

45           (5) The coordinating board for higher education shall establish admission guidelines  
46 consistent with institutional missions;

47           (6) The coordinating board shall establish policies and procedures for institutional  
48 decisions relating to the residence status of students;

49           (7) The coordinating board shall establish guidelines to promote and facilitate the  
50 transfer of students between institutions of higher education within the state and shall ensure that  
51 as of the 2008-09 academic year, in order to receive increases in state appropriations, all  
52 approved public two- and four-year public institutions shall work with the commissioner of  
53 higher education to establish agreed-upon competencies for all entry-level collegiate courses in  
54 English, mathematics, foreign language, sciences, and social sciences associated with an  
55 institution's general education core and that the coordinating board shall establish policies and  
56 procedures to ensure such courses are accepted in transfer among public institutions and treated  
57 as equivalent to similar courses at the receiving institutions. The department of elementary and

58 secondary education shall align such competencies with the assessments found in section  
59 160.518, RSMo, and successor assessments;

60 (8) The coordinating board shall collect the necessary information and develop  
61 comparable data for all institutions of higher education in the state.

62 The coordinating board shall use this information to delineate the areas of competence of each  
63 of these institutions and for any other purposes deemed appropriate by the coordinating board;

64 (9) Compliance with requests from the coordinating board for institutional information  
65 and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall  
66 be a prerequisite to the receipt of any funds which the coordinating board is responsible for  
67 administering;

68 (10) If any institution of higher education in this state, public or private, willfully fails  
69 or refuses to follow any lawful guideline, policy or procedure established or prescribed by the  
70 coordinating board, or knowingly deviates from any such guideline, or knowingly acts without  
71 coordinating board approval where such approval is required, or willfully fails to comply with  
72 any other lawful order of the coordinating board, the coordinating board may, after a public  
73 hearing, withhold or direct to be withheld from that institution any funds the disbursement of  
74 which is subject to the control of the coordinating board, or may remove the approval of the  
75 institution as an approved institution within the meaning of section 173.1102. If any such public  
76 institution willfully disregards board policy, the commissioner of higher education may order  
77 such institution to remit a fine in an amount not to exceed one percent of the institution's current  
78 fiscal year state operating appropriation to the board. The board shall hold such funds until such  
79 time that the institution, as determined by the commissioner of higher education, corrects the  
80 violation, at which time the board shall refund such amount to the institution. If the  
81 commissioner determines that the institution has not redressed the violation within one year, the  
82 fine amount shall be deposited into the general revenue fund, unless the institution appeals such  
83 decision to the full coordinating board, which shall have the authority to make a binding and  
84 final decision, by means of a majority vote, regarding the matter. However, nothing in this  
85 section shall prevent any institution of higher education in this state from presenting additional  
86 budget requests or from explaining or further clarifying its budget requests to the governor or the  
87 general assembly; and

88 (11) (a) As used in this subdivision, the term "out-of-state public institution of higher  
89 education" shall mean an education institution located outside of Missouri that:

90 a. Is controlled or administered directly by a public agency or political subdivision or is  
91 classified as a public institution by the state;

92 b. Receives appropriations for operating expenses directly or indirectly from a state other  
93 than Missouri;

94 c. Provides a postsecondary course of instruction at least six months in length leading  
95 to or directly creditable toward a degree or certificate;

96 d. Meets the standards for accreditation by an accrediting body recognized by the United  
97 States Department of Education or any successor agency; and

98 e. Permits faculty members to select textbooks without influence or pressure by any  
99 religious or sectarian source.

100 (b) No later than July 1, 2008, the coordinating board shall promulgate rules regarding:

101 a. The board's approval process of proposed new degree programs and course offerings  
102 by any out-of-state public institution of higher education seeking to offer degree programs or  
103 course work within the state of Missouri; and

104 b. The board's approval process of degree programs and courses offered by any  
105 out-of-state public institutions of higher education that, prior to July 1, 2008, were approved by  
106 the board to operate a school in compliance with the provisions of sections 173.600 to 173.618.

107

108 The rules shall ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer  
109 degrees and courses within the state of Missouri are evaluated in a manner similar to Missouri  
110 public higher education institutions. Such out-of-state public institutions shall be held to  
111 standards no lower than the standards established by the coordinating board for program approval  
112 and the policy guidelines of the coordinating board for data collection, cooperation, and  
113 resolution of disputes between Missouri institutions of higher education under this section. Any  
114 such out-of-state public institutions of higher education wishing to continue operating within this  
115 state must be approved by the board under the rules promulgated under this subdivision. Any  
116 rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under  
117 the authority delegated in this section shall become effective only if it complies with and is  
118 subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
119 This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
120 general assembly under chapter 536, RSMo, to review, to delay the effective date, or to  
121 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
122 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

123 (c) Nothing in this subdivision or in section 173.616 shall be construed or interpreted  
124 so that students attending an out-of-state public institution are considered to be attending a  
125 Missouri public institution of higher education for purposes of obtaining student financial  
126 assistance.

127 3. The coordinating board shall meet at least four times annually with an advisory  
128 committee who shall be notified in advance of such meetings. The coordinating board shall have  
129 exclusive voting privileges. The advisory committee shall consist of thirty-two members, who

130 shall be the president or other chief administrative officer of the University of Missouri; the  
131 chancellor of each campus of the University of Missouri; the president of each state-supported  
132 four-year college or university, including Harris-Stowe State University, Missouri Southern State  
133 University, Missouri Western State University, and Lincoln University; the president of Linn  
134 State Technical College; the president or chancellor of each public community college district;  
135 and representatives of each of five accredited private institutions selected biennially, under the  
136 supervision of the coordinating board, by the presidents of all of the state's privately supported  
137 institutions; but always to include at least one representative from one privately supported  
138 community college, one privately supported four-year college, and one privately supported  
139 university. The conferences shall enable the committee to advise the coordinating board of the  
140 views of the institutions on matters within the purview of the coordinating board.

141           4. The University of Missouri, Lincoln University, and all other state-governed colleges  
142 and universities, chapters 172, 174 and 175, RSMo, and others, are transferred by type III  
143 transfers to the department of higher education subject to the provisions of subsection 2 of this  
144 section.

145           5. The state historical society, chapter 183, RSMo, is transferred by type III transfer to  
146 the University of Missouri.

147           6. The state anatomical board, chapter 194, RSMo, is transferred by type II transfer to  
148 the department of higher education.

149           7. All the powers, duties and functions vested in the division of public schools and state  
150 board of education relating to community college state aid and the supervision, formation of  
151 districts and all matters otherwise related to the state's relations with community college districts  
152 and matters pertaining to community colleges in public school districts, chapters 163 and 178,  
153 RSMo, and others, are transferred to the coordinating board for higher education by type I  
154 transfer. Provided, however, that all responsibility for administering the federal-state programs  
155 of vocational-technical education, except for the 1202a post-secondary educational amendments  
156 of 1972 program, shall remain with the department of elementary and secondary education. The  
157 department of elementary and secondary education and the coordinating board for higher  
158 education shall cooperate in developing the various plans for vocational-technical education;  
159 however, the ultimate responsibility will remain with the state board of education.

160           8. [The administration of sections 163.171 and 163.181, RSMo, relating to  
161 teacher-training schools in cities, is transferred by type I transfer to the coordinating board for  
162 higher education.

163           9. All the powers, duties, functions, personnel and property of the state library and state  
164 library commission, chapter 181, RSMo, and others, are transferred by type I transfer to the  
165 coordinating board for higher education, and the state library commission is abolished. The

166 coordinating board shall appoint a state librarian who shall administer the affairs of the state  
167 library under the supervision of the board.

168 10.] All the powers, duties, functions, and properties of the state poultry experiment  
169 station, chapter 262, RSMo, are transferred by type I transfer to the University of Missouri, and  
170 the state poultry association and state poultry board are abolished. In the event the University  
171 of Missouri shall cease to use the real estate of the poultry experiment station for the purposes  
172 of research or shall declare the same surplus, all real estate shall revert to the governor of the  
173 state of Missouri and shall not be disposed of without legislative approval.

174.020. 1. Except as provided in subsection 5 of this section, state institutions of higher  
2 education governed by sections 174.020 to 174.500 shall be named and known as follows: the  
3 institution at Warrensburg, Johnson County, shall hereafter be known as the "Central Missouri  
4 State University"; the institution at Cape Girardeau, Cape Girardeau County, shall hereafter be  
5 known as the "Southeast Missouri State University"; the institution at Springfield, Greene  
6 County, shall hereafter be known as the "Missouri State University"; the institution at Maryville,  
7 Nodaway County, shall hereafter be known as the "Northwest Missouri State University"; the  
8 institution at St. Joseph, Buchanan County, shall hereafter be known as the "Missouri Western  
9 State University"; the institution at Joplin, Jasper County, shall hereafter be known as the  
10 "Missouri Southern State University"; and the college in the city of St. Louis shall be known as  
11 "Harris-Stowe State University".

12 2. References in the statutes in this state to such institutions whether denominated  
13 colleges or universities in such statutes or whether said institutions are renamed in subsection  
14 1 of this section shall continue to apply to the applicable institution.

15 3. Any costs incurred with respect to modifications of the names of the state colleges and  
16 universities specified in subsection 1 of this section shall not be paid from state funds.

17 4. When the conditions set forth in section 178.631, RSMo, are met, the technical college  
18 located in Osage County, commonly known as the East Campus of Linn Technical College, shall  
19 be known as "Linn State Technical College".

20 [5. The board of governors of the institution at Warrensburg, Johnson County, may alter  
21 the name of such institution to "The University of Central Missouri" upon the approval of at least  
22 four voting members of the board. Upon such a vote, the board shall provide written notice to  
23 the revisor of statutes affirming that the board has approved the alteration. From the date the  
24 revisor receives the notice, the institution at Warrensburg, Johnson County, shall be named and  
25 known as "The University of Central Missouri". The provisions of this subsection shall expire  
26 on August 28, 2007.]

178.637. [1. Within twelve months after August 28, 1995, and after the conditions of  
2 section 178.631 are satisfied, the board of regents of Linn State Technical College shall submit

3 to the coordinating board for higher education, for the approval of the coordinating board, a  
4 five-year plan outlining the changes necessary for the institution to realize its new mission as a  
5 state technical college. The plan shall include, but shall not be limited to, such issues as  
6 admissions policies, new degrees programs to be developed, plans for attaining regional  
7 accreditation as a postsecondary institution, provisions for assessment of student learning and  
8 overall institutional performance, a fiscal plan for achieving institutional priorities, measurable  
9 goals and objectives for the institution, and specific provisions for coordinating with existing  
10 community colleges and area vocational technical schools. As this plan is developed it shall be  
11 assumed that tuition and fees for this institution shall be comparable to public four-year  
12 institutions rather than public two-year institutions. A copy of the five-year plan shall also be  
13 submitted to the state board of education for its review and comment, and the coordinating board  
14 shall give due consideration to the views of the state board in its approval process for the plan.

15         2. Within twelve months after August 28, 1995, and prior to completing action on any  
16 five-year mission implementation plan submitted by Linn State Technical College, the  
17 coordinating board for higher education shall complete, in cooperation with the state board of  
18 education, a comprehensive assessment of postsecondary vocational technical education in the  
19 state of Missouri. Such study shall include, but not be limited to, the adequacy of Missouri's  
20 delivery system for postsecondary vocational technical education, including the role of area  
21 vocational schools and community colleges, in meeting the needs of the state and its citizens,  
22 businesses, and industries for vocational technical education opportunities of high quality in  
23 terms of the quality of its services, its arrangements for efficient and effective governance, and  
24 its method and level of financing. This study shall develop a master plan for advanced technical  
25 and vocational training in the state of Missouri coordinating area vocation school sites with area  
26 community colleges and Linn State Technical College to form advanced vocational and technical  
27 training facilities. The plan shall establish a mechanism for meeting the needs of citizens,  
28 business and industry in this state with the goal of obtaining a skilled, high-demand workforce.  
29 The plan shall contain a means of funding advanced technical and vocational training in line with  
30 a strong state policy for a highly skilled, in-demand workforce. The plan shall further set forth  
31 a mechanism for coordination of the delivery system between Linn State Technical College, area  
32 community colleges and area vocational schools within the service districts of the respective  
33 community colleges. Programs to be offered and funded by the state shall be contemplated by  
34 the plan. Funding of the programs offered may be tied to cooperation of area vocational schools  
35 and area community colleges; except that, no mandates may be included on any program which  
36 is funded in whole or in part by local funds, unless the cost of the program is paid by the state.  
37 The plan shall further indicate and anticipate the role of telecommunications in delivery of  
38 classes between Linn State Technical College, area community colleges and area vocational sites.

39 The coordinating board shall make such recommendations regarding any improvements in the  
40 postsecondary vocational education delivery system as it deems appropriate and shall report its  
41 findings to the governor, the speaker of the house of representatives, the president pro tempore  
42 of the senate, and the state board of education.

43 3. After the conditions of this section and section 178.631 are satisfied,] Linn State  
44 Technical College shall be deemed to be a qualified college, university, or educational institution  
45 for the purposes of any higher education student loan, grant, or scholarship program established  
46 pursuant to state law. **Tuition and fees for this institution shall be comparable to public  
47 four-year institutions rather than public two-year institutions.**

178.930. 1. (1) [Beginning July 1, 2007, and until June 30, 2008, the department of  
2 elementary and secondary education shall pay monthly, out of the funds appropriated to it for that  
3 purpose, to each sheltered workshop a sum equal to seventy-five dollars for each standard  
4 workweek (Monday through Friday) of up to and including thirty hours worked during the  
5 preceding calendar month. Fifteen dollars shall be paid for each six-hour or longer day worked  
6 by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed  
7 by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or  
8 Sundays, the workshop shall receive a percentage of the corresponding amount normally paid  
9 based on the percentage of time worked by the handicapped employee.

10 (2) Beginning July 1, 2008, and until June 30, 2009, the department of elementary and  
11 secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to  
12 each sheltered workshop a sum equal to eighty-five dollars for each standard workweek (Monday  
13 through Friday) of up to and including thirty hours worked during the preceding calendar month.  
14 Seventeen dollars shall be paid for each six-hour or longer day worked by a handicapped  
15 employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered  
16 workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the  
17 workshop shall receive a percentage of the corresponding amount normally paid based on the  
18 percentage of time worked by the handicapped employee.

19 (3)] Beginning July 1, 2009, and until June 30, 2010, the department of elementary and  
20 secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to  
21 each sheltered workshop a sum equal to ninety dollars for each standard workweek (Monday  
22 through Friday) of up to and including thirty hours worked during the preceding calendar month.  
23 Eighteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee  
24 on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for  
25 less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall  
26 receive a percentage of the corresponding amount normally paid based on the percentage of time  
27 worked by the handicapped employee.

28            [(4)] (2) Beginning July 1, 2010, and thereafter, the department of elementary and  
29 secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to  
30 each sheltered workshop a sum equal to ninety-five dollars for each standard workweek (Monday  
31 through Friday) of up to and including thirty hours worked during the preceding calendar month.  
32 Nineteen dollars shall be paid for each six-hour or longer day worked by a handicapped  
33 employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered  
34 workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the  
35 workshop shall receive a percentage of the corresponding amount normally paid based on the  
36 percentage of time worked by the handicapped employee.

37            2. The department shall accept, as prima facie proof of payment due to a sheltered  
38 workshop, information as designated by the department, either in paper or electronic format. A  
39 statement signed by the president, secretary, and manager of the sheltered workshop, setting forth  
40 the dates worked and the number of hours worked each day by each handicapped person  
41 employed by that sheltered workshop during the preceding calendar month, together with any  
42 other information required by the rules or regulations of the department, shall be maintained at  
43 the workshop location.

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

48            4. The balance of the sheltered workshop per diem revolving fund shall not exceed five  
49 hundred thousand dollars at the end of each fiscal year and shall be exempt from the provisions  
50 of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue  
51 fund. Any unexpended balance in the sheltered workshop per diem revolving fund at the end of  
52 each fiscal year exceeding five hundred thousand dollars shall be deposited in the general  
53 revenue fund.

                 191.362. "Appropriately trained" employees of certified end-stage renal disease facilities,  
2 excluding licensed physicians and registered professional nurses, who may initiate dialysis shall  
3 be those employees who have successfully completed a course of study in the dialysis techniques  
4 [approved by the department of health and senior services].

                 195.060. 1. Except as provided in subsection 3 of this section, a pharmacist, in good  
2 faith, may sell and dispense controlled substances to any person only upon a prescription of a  
3 practitioner as authorized by statute, provided that the controlled substances listed in Schedule  
4 V may be sold without prescription in accordance with regulations of the department of health  
5 and senior services. All written prescriptions shall be signed by the person prescribing the same.  
6 All prescriptions shall be dated on the day when issued and bearing the full name and address

7 of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the  
8 full name, address, and the registry number under the federal controlled substances laws of the  
9 person prescribing, if he is required by those laws to be so registered. If the prescription is for  
10 an animal, it shall state the species of the animal for which the drug is prescribed. The person  
11 filling the prescription shall either write the date of filling and his own signature on the  
12 prescription or retain the date of filling and the identity of the dispenser as electronic prescription  
13 information. The prescription or electronic prescription information shall be retained on file by  
14 the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily  
15 accessible for inspection by any public officer or employee engaged in the enforcement of this  
16 law. No prescription for a drug in Schedule I or II shall be filled more than six months after the  
17 date prescribed; no prescription for a drug in schedule I or II shall be refilled; no prescription for  
18 a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the  
19 original prescription or be refilled more than five times unless renewed by the practitioner.

20 2. The legal owner of any stock of controlled substances in a pharmacy, upon  
21 discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or  
22 pharmacist, but only on an official written order.

23 3. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to  
24 any person in emergency situations as defined by rule of the department of health and senior  
25 services upon an oral prescription by an authorized practitioner.

26 4. [It shall be unlawful for controlled substances to be promoted or advertised for use or  
27 sale, provided that this subsection shall not prohibit such activity by a manufacturer, wholesaler,  
28 or their agents directed to a physician, pharmacist or other practitioner.

29 5.] Except where a bona fide physician-patient-pharmacist relationship exists,  
30 prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate  
31 user or agent by mail or other common carrier.

195.400. 1. As used in sections 195.400 to 195.425 the term "person" means any  
2 individual, corporation, government or governmental subdivision or agency, business trust,  
3 estate, trust, partnership or association, or any other legal entity.

4 2. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or  
5 otherwise furnishes any of the following substances to any person shall submit to the department  
6 of health and senior services a report, as prescribed by the department of health and senior  
7 services, of all such transactions:

- 8 (1) Anthranilic acid, its esters and its salts;
- 9 (2) Benzyl cyanide;
- 10 (3) Ergotamine and its salts;
- 11 (4) Ergonovine and its salts;

- 12 (5) N-Acetylanthranilic acid, its esters and its salts;
- 13 (6) Phenylacetic acid, its esters and its salts;
- 14 (7) Piperidine and its salts;
- 15 (8) 3,4,-Methylenedioxyphenyl-2-propanone;
- 16 (9) Acetic anhydride;
- 17 (10) Acetone;
- 18 (11) Benzyl Chloride;
- 19 (12) Ethyl ether;
- 20 (13) Hydriodic acid;
- 21 (14) Potassium permanganate;
- 22 (15) 2-Butanone (or Methyl Ethyl Ketone or MEK);
- 23 (16) Toluene;
- 24 (17) Ephedrine, its salts, optical isomers, and salts of optical isomers;
- 25 (18) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- 26 (19) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers;
- 27 (20) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- 28 (21) Methylamine and its salts;
- 29 (22) Ethylamine and its salts;
- 30 (23) Propionic anhydride;
- 31 (24) Isosafrole;
- 32 (25) Safrole;
- 33 (26) Piperonal;
- 34 (27) N-Methylephedrine, its salts, optical isomers and salts of optical isomers;
- 35 (28) N-Methylpseudoephedrine, its salts, optical isomers and salts of optical isomers;
- 36 (29) Benzaldehyde;
- 37 (30) Nitroethane;
- 38 (31) Methyl Isobutyl Ketone (MIBK);
- 39 (32) Sulfuric acid;
- 40 (33) Iodine;
- 41 (34) Red phosphorous;
- 42 (35) Gamma butyrolactone;
- 43 (36) 1,4 Butanediol.

44 3. [The chemicals listed or to be listed in the schedule in subsection 2 of this section are  
45 included by whatever official, common, usual, chemical, or trade name designated.

46 4.] The department of health and senior services by rule or regulation may add  
47 substances to or delete substances from subsection 2 of this section in the manner prescribed

48 pursuant to section 195.017, if such substance is a component of or may be used to produce a  
49 controlled substance.

50 [5. Any manufacturer, wholesaler, retailer or other person shall, prior to selling,  
51 transferring, or otherwise furnishing any substance listed in subsection 2 of this section to a  
52 person within this state, require such person to give proper identification. For the purposes of  
53 this section "proper identification" means:

54 (1) A motor vehicle operator's license or other official state-issued identification which  
55 includes the residential or mailing address of the person, other than a post office box number;  
56 or

57 (2) A letter of authorization from the business to which any of the substances listed in  
58 subsection 2 of this section are being transferred, which shall include the address of the business  
59 and business license number if the business is required to have a license number; and

60 (3) A full description of how the substance is to be used; and

61 (4) The signature of the person to whom such substances are transferred. The person  
62 selling, transferring, or otherwise furnishing any substance listed in subsection 2 of this section  
63 shall affix his signature, to the document which evidences that a sale or transfer has been made,  
64 as a witness to the signature and proper identification of the person purchasing such substance.

65 6. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or  
66 otherwise furnishes any substance listed in subsection 2 of this section to a person shall keep  
67 records and inventories of all such chemicals in conformance with the record-keeping and  
68 inventory requirements of federal law, and in accordance with any additional regulations of the  
69 department of health and senior services.

70 7. The department of health and senior services is authorized to inspect the establishment  
71 of a registrant or applicant in accordance with the provisions of sections 195.005 to 195.425.

72 8. This section shall not apply to any of the following:

73 (1) Any pharmacist, pharmacy, or other authorized person who sells or furnishes a  
74 substance listed in subsection 2 of this section upon the prescription or order of a physician,  
75 dentist, podiatrist or veterinarian;

76 (2) Any physician, optometrist, dentist, podiatrist or veterinarian who administers,  
77 dispenses or furnishes a substance listed in subsection 2 of this section to his or her patients  
78 within the scope of his or her professional practice. Such administration or dispensing shall be  
79 recorded in the patient record;

80 (3) Any sale, transfer, furnishing or receipt of any drug which contains any substance  
81 listed in subsection 2 of this section and which is lawfully sold, transferred, or furnished over the  
82 counter without a prescription pursuant to the federal Food, Drug and Cosmetic Act or  
83 regulations adopted thereunder.

84 9. (1) Any violation of subsection 5 of this section shall be a class D felony.

85 (2) Any person subject to subsection 6 of this section who does not keep records or  
86 inventory as required or who knowingly documents false or fictitious information shall be guilty  
87 of a class D felony and subject to a fine not exceeding ten thousand dollars.

88 (3) Any person who is found guilty a second time of not keeping records or inventory  
89 as required in subsection 6 of this section or who knowingly documents false or fictitious  
90 information shall be guilty of a class C felony and subject to a fine not exceeding one hundred  
91 thousand dollars.]

197.305. As used in sections 197.300 to 197.366, the following terms mean:

2 (1) "Affected persons", the person proposing the development of a new institutional  
3 health service, the public to be served, and health care facilities within the service area in which  
4 the proposed new health care service is to be developed;

5 (2) "Agency", the certificate of need program of the Missouri department of health and  
6 senior services;

7 (3) "Capital expenditure", an expenditure by or on behalf of a health care facility which,  
8 under generally accepted accounting principles, is not properly chargeable as an expense of  
9 operation and maintenance;

10 (4) "Certificate of need", a written certificate issued by the committee setting forth the  
11 committee's affirmative finding that a proposed project sufficiently satisfies the criteria  
12 prescribed for such projects by sections 197.300 to 197.366;

13 (5) "Develop", to undertake those activities which on their completion will result in the  
14 offering of a new institutional health service or the incurring of a financial obligation in relation  
15 to the offering of such a service;

16 (6) "Expenditure minimum" shall mean:

17 (a) For beds in existing or proposed health care facilities licensed pursuant to chapter  
18 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection  
19 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures,  
20 or four hundred thousand dollars in the case of major medical equipment, provided, however,  
21 that prior to January 1, 2003, the expenditure minimum for beds in such a facility and long-term  
22 care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the  
23 provisions of subsection 7 of section 197.318;

24 (b) For beds or equipment in a long-term care hospital meeting the requirements  
25 described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

26 (c) For health care facilities, new institutional health services or beds not described in  
27 paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures,  
28 excluding major medical equipment, and one million dollars in the case of medical equipment;

29 (7) ["Health care facilities", hospitals, health maintenance organizations, tuberculosis  
30 hospitals, psychiatric hospitals, intermediate care facilities, skilled nursing facilities, residential  
31 care facilities and assisted living facilities, kidney disease treatment centers, including  
32 freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and  
33 ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other  
34 practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian  
35 Science Nursing facilities listed and certified by the Commission for Accreditation of Christian  
36 Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in  
37 existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of  
38 the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and  
39 Disclosure Act, 29 U.S.C. 401-538, and any residential care facility or assisted living facility  
40 operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal  
41 Internal Revenue Code, as amended, which does not require the expenditure of public funds for  
42 purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

43 (8) "Health service area", a geographic region appropriate for the effective planning and  
44 development of health services, determined on the basis of factors including population and the  
45 availability of resources, consisting of a population of not less than five hundred thousand or  
46 more than three million;

47 [(9)] (8) "Major medical equipment", medical equipment used for the provision of  
48 medical and other health services;

49 [(10)] (9) "New institutional health service":

50 (a) The development of a new health care facility costing in excess of the applicable  
51 expenditure minimum;

52 (b) The acquisition, including acquisition by lease, of any health care facility, or major  
53 medical equipment costing in excess of the expenditure minimum;

54 (c) Any capital expenditure by or on behalf of a health care facility in excess of the  
55 expenditure minimum;

56 (d) Predevelopment activities as defined in subdivision (13) hereof costing in excess of  
57 one hundred fifty thousand dollars;

58 (e) Any change in licensed bed capacity of a health care facility which increases the total  
59 number of beds by more than ten or more than ten percent of total bed capacity, whichever is  
60 less, over a two-year period;

61 (f) Health services, excluding home health services, which are offered in a health care  
62 facility and which were not offered on a regular basis in such health care facility within the  
63 twelve-month period prior to the time such services would be offered;

64 (g) A reallocation by an existing health care facility of licensed beds among major types  
65 of service or reallocation of licensed beds from one physical facility or site to another by more  
66 than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a  
67 two-year period;

68 [(11)] **(10)** "Nonsubstantive projects", projects which do not involve the addition,  
69 replacement, modernization or conversion of beds or the provision of a new health service but  
70 which include a capital expenditure which exceeds the expenditure minimum and are due to an  
71 act of God or a normal consequence of maintaining health care services, facility or equipment;

72 [(12)] **(11)** "Person", any individual, trust, estate, partnership, corporation, including  
73 associations and joint stock companies, state or political subdivision or instrumentality thereof,  
74 including a municipal corporation;

75 [(13)] **(12)** "Predevelopment activities", expenditures for architectural designs, plans,  
76 working drawings and specifications, and any arrangement or commitment made for financing;  
77 but excluding submission of an application for a certificate of need.

197.318. 1. [The provisions of section 197.317 shall not apply to a residential care  
2 facility, assisted living facility, intermediate care facility or skilled nursing facility only where  
3 the department of social services has first determined that there presently exists a need for  
4 additional beds of that classification because the average occupancy of all licensed and available  
5 residential care facility, assisted living facility, intermediate care facility and skilled nursing  
6 facility beds exceeds ninety percent for at least four consecutive calendar quarters, in a particular  
7 county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise  
8 appears to qualify for a certificate of need. The department's certification that there is no need  
9 for additional beds shall serve as the final determination and decision of the committee. In  
10 determining ninety percent occupancy, residential care facility and assisted living facility shall  
11 be one separate classification and intermediate care and skilled nursing facilities are another  
12 separate classification.

13 2. The Missouri health facilities review committee may, for any facility certified to it by  
14 the department, consider the predominant ethnic or religious composition of the residents to be  
15 served by that facility in considering whether to grant a certificate of need.

16 3. There shall be no expenditure minimum for facilities, beds, or services referred to in  
17 subdivisions (1), (2) and (3) of section 197.317. The provisions of this subsection shall expire  
18 January 1, 2003.

19 4.] As used in this section, the term "licensed and available" means beds which are  
20 actually in place and for which a license has been issued.

21 [5. The provisions of section 197.317 shall not apply to any facility where at least  
22 ninety-five percent of the patients require diets meeting the dietary standards defined by section  
23 196.165, RSMo.

24 6.] 2. The committee shall review all letters of intent and applications for long-term care  
25 hospital beds meeting the requirements described in 42 CFR, Section 412.23(e) under its criteria  
26 and standards for long-term care beds.

27 [7.] 3. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending  
28 in state court on or before April 1, 1996, in which the Missouri health facilities review committee  
29 is a defendant in an action concerning the application of sections 197.300 to 197.366 to  
30 long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e).

31 [8.] 4. Notwithstanding any other provision of this chapter to the contrary:

32 (1) A facility licensed pursuant to chapter 198, RSMo, may increase its licensed bed  
33 capacity by:

34 (a) Submitting a letter of intent to expand to the division of aging and the health facilities  
35 review committee;

36 (b) Certification from the division of aging that the facility:

37 a. Has no patient care class I deficiencies within the last eighteen months; and

38 b. Has maintained a ninety-percent average occupancy rate for the previous six quarters;

39 (c) Has made an effort to purchase beds for eighteen months following the date the letter  
40 of intent to expand is submitted pursuant to paragraph (a) of this subdivision. For purposes of  
41 this paragraph, an "effort to purchase" means a copy certified by the offeror as an offer to  
42 purchase beds from another licensed facility in the same licensure category; and

43 (d) If an agreement is reached by the selling and purchasing entities, the health facilities  
44 review committee shall issue a certificate of need for the expansion of the purchaser facility upon  
45 surrender of the seller's license; or

46 (e) If no agreement is reached by the selling and purchasing entities, the health facilities  
47 review committee shall permit an expansion for:

48 a. A facility with more than forty beds may expand its licensed bed capacity within the  
49 same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same  
50 licensure category in such facility has experienced an average occupancy of ninety-three percent  
51 or greater over the previous six quarters;

52 b. A facility with fewer than forty beds may expand its licensed bed capacity within the  
53 same licensure category by twenty-five percent or ten beds, whichever is greater, if that same  
54 licensure category in such facility has experienced an average occupancy of ninety-two percent  
55 or greater over the previous six quarters;

56 c. A facility adding beds pursuant to subparagraphs a. or b. of this paragraph shall not  
57 expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure  
58 category;

59 (2) Any beds sold shall, for five years from the date of relicensure by the purchaser,  
60 remain unlicensed and unused for any long-term care service in the selling facility, whether they  
61 do or do not require a license;

62 (3) The beds purchased shall, for two years from the date of purchase, remain in the bed  
63 inventory attributed to the selling facility and be considered by the department of social services  
64 as licensed and available for purposes of this section;

65 (4) Any residential care facility licensed pursuant to chapter 198, RSMo, may relocate  
66 any portion of such facility's current licensed beds to any other facility to be licensed within the  
67 same licensure category if both facilities are under the same licensure ownership or control, and  
68 are located within six miles of each other;

69 (5) A facility licensed pursuant to chapter 198, RSMo, may transfer or sell individual  
70 long-term care licensed beds to facilities qualifying pursuant to paragraphs (a) and (b) of  
71 subdivision (1) of this subsection. Any facility which transfers or sells licensed beds shall not  
72 expand its licensed bed capacity in that licensure category for a period of five years from the date  
73 the licensure is relinquished.

74 [9.] 5. Any existing licensed and operating health care facility offering long-term care  
75 services may replace one-half of its licensed beds at the same site or a site not more than thirty  
76 miles from its current location if, for at least the most recent four consecutive calendar quarters,  
77 the facility operates only fifty percent of its then licensed capacity with every resident residing  
78 in a private room. In such case:

79 (1) The facility shall report to the division of aging vacant beds as unavailable for  
80 occupancy for at least the most recent four consecutive calendar quarters;

81 (2) The replacement beds shall be built to private room specifications and only used for  
82 single occupancy; and

83 (3) The existing facility and proposed facility shall have the same owner or owners,  
84 regardless of corporate or business structure, and such owner or owners shall stipulate in writing  
85 that the existing facility beds to be replaced will not later be used to provide long-term care  
86 services. If the facility is being operated under a lease, both the lessee and the owner of the  
87 existing facility shall stipulate the same in writing.

88 [10.] 6. Nothing in this section shall prohibit a health care facility licensed pursuant to  
89 chapter 198, RSMo, from being replaced in its entirety within fifteen miles of its existing site so  
90 long as the existing facility and proposed or replacement facility have the same owner or owners  
91 regardless of corporate or business structure and the health care facility being replaced remains

92 unlicensed and unused for any long-term care services whether they do or do not require a license  
93 from the date of licensure of the replacement facility.

197.366. The [provisions of subdivision (8) of section 197.305 to the contrary  
2 notwithstanding, after December 31, 2001, the] term "health care facilities" in sections 197.300  
3 to 197.366 shall mean:

4 (1) Facilities licensed under chapter 198, RSMo;

5 (2) Long-term care beds in a hospital as described in subdivision (3) of subsection 1 of  
6 section 198.012, RSMo;

7 (3) Long-term care hospitals or beds in a long-term care hospital meeting the  
8 requirements described in 42 CFR, section 412.23(e); and

9 (4) Construction of a new hospital as defined in chapter 197.

198.058. Any facility licensed under chapter 197, RSMo, or chapter 198, which is in  
2 operation before September 28, 1979, or whose application is on file, or whose construction  
3 plans have been approved by the department before September 28, 1979, shall be exempt from  
4 construction standards developed by the department subsequent to the date such facility became  
5 first licensed and including those construction standards developed after September 28, 1979,  
6 for buildings or other physical units which were in existence or under construction on September  
7 28, 1979. Such facilities shall be licensed in accordance with all other standards and regulations  
8 promulgated under sections 198.003 to 198.096. [The department shall survey all such facilities  
9 and shall prepare a report for submission to the general assembly on actions and standards  
10 necessary to bring such facilities into full compliance. The report shall be filed with the speaker  
11 of the house and the president pro tem of the senate by January 1, 1982.]

201.010. As used in this chapter, the following terms mean:

2 (1) "Administrator", the department of health and senior services;

3 (2) "Child", any persons under twenty-one years of age;

4 (3) "Service", the [crippled] children's **special health care needs** service;

5 (4) "Services", medical, surgical, corrective, diagnostic, hospitalization, and related  
6 services, including after care, and all things reasonably incident and necessary to make the  
7 service available to the child.

201.020. There is created as an agency of state government, the "[Crippled] Children's  
2 **Special Health Care Needs** Service".

201.030. The [crippled] children's **special health care needs** service is designated as the  
2 agency of this state to administer a program of service to children who [are crippled or who are  
3 suffering from conditions that lead to crippling] **have a physical disability or special health**  
4 **care need** and to supervise the administration of the services that are included in this program.  
5 The purpose of this service is to develop, extend, and improve services for locating such

6 children, especially in rural areas, and for providing medical, surgical, corrective and other  
7 services and care and facilities for diagnosis, hospitalization, and aftercare.

201.040. Any child residing in the state of Missouri who [is crippled or is suffering from  
2 conditions which lead to crippling] **has a physical disability or special health care need**, who  
3 is in need of services because of his **or her** condition, who has been certified by a physician of  
4 his **or her** choice as a person who can probably benefit from such services, who is financially  
5 unable to pay for such services and whose parents, guardian, or person legally chargeable with  
6 his **or her** support is unable to pay therefor, shall be entitled to such services without charge, but  
7 if any person, firm, corporation, or public or private agency is liable, either pursuant to contract  
8 or otherwise, to the parents or a recipient of services on account of personal injury to or disability  
9 or disease of the recipient of services, the service is subrogated to the right of the parent or  
10 recipient to recover from that part of the award or settlement an amount equal to the amount  
11 expended by the service for services which are not otherwise recoverable from the parent or  
12 recipient. The acceptance of services from the service constitutes acknowledgment of  
13 subrogation rights by the service, and the service may take any and all action necessary to enforce  
14 the subrogation rights. Any such child who, or whose parents, guardian, or other person legally  
15 chargeable with the support of the child, is able to pay a portion but not all of the expenses for  
16 the required services for the child, shall be entitled to the services if the child, parents, guardian  
17 or other person legally charged with the support of the child shall pay such amounts thereof to  
18 the hospital and physician as the child, parents, guardian, or other persons legally charged with  
19 the support of the child are reasonably able to pay.

201.050. 1. The department of health and senior services is designated as the  
2 administrator of the [crippled] children's **special health care needs** service.

3 2. The administrator:

4 (1) Shall formulate and administer a detailed plan or plans for the purpose of  
5 administering the service and to make and enforce such rules and regulations as are necessary  
6 or desirable for the administration of these plans and the provisions of this chapter;

7 (2) Shall receive and expend, in accordance with such plans, all funds made available  
8 to the service by the federal government, by the state or its political subdivisions, or from any  
9 other sources for such purposes, and it shall cooperate with the federal government in  
10 developing, improving, and extending the services and in the administration of the plans;

11 (3) Shall cooperate with other state departments and agencies of this state and with  
12 medical, health, nursing, and welfare groups and organizations, private or public, and endeavor  
13 to coordinate the efforts of all persons and agencies interested in the discovery, care, and  
14 rehabilitation of [crippled] children **with special health care needs**, and it is entitled to receive

15 aid and assistance from other departments and agencies of this state in carrying out the plans  
16 adopted by the administrator;

17 (4) Shall receive title to property, real or personal, in all cases of gifts, devises, or  
18 bequests to the service and may act as trustee and as such receive title to property, real or  
19 personal, where given in trust for the benefit of the service.

201.070. Any plan, rule, or regulation adopted by the administrator shall conform with  
2 regulations of the federal government to the extent necessary to qualify for the receipt of federal  
3 funds that may become available to the state for the treatment and care of [crippled] children  
4 **with special health care needs.**

201.080. All funds allocated by the federal government to this state for the treatment and  
2 care of [crippled] children **with special health care needs** shall be transmitted to the service.

201.090. All [moneys] **revenues, refunds, legal settlements, reimbursements,**  
2 **donations, gifts, grants, or bequests** coming to the service from any source whatsoever shall  
3 be [kept by the administrator] **forwarded to the director of revenue for deposit** in a special  
4 fund to be designated as the "[Crippled] Children's **Special Health Care Needs Service Fund**",  
5 **which is hereby established in the state treasury**, and all expenses of the service shall be paid  
6 by the administrator from this fund. State appropriations to the [crippled] children's **special**  
7 **health care needs** service shall be paid to the administrator upon proper requisition therefor.  
8 Any surplus moneys in the fund not currently needed for operation expenses may be invested by  
9 the [administrator] **state treasurer** in obligations of the state of Missouri or of the United States  
10 of America or obligations guaranteed by the United States of America. Any trust funds in the  
11 hands of the administrator may be invested in such manner as may be provided by law, except  
12 that any trust funds coming to the administrator with special instructions with reference to the  
13 investment thereof shall not be invested contrary to such specific instructions.

215.263. 1. For purposes of sections 215.261 to 215.263, the term "affordable housing"  
2 means all residential structures newly constructed or rehabilitated, which a person earning one  
3 hundred fifteen percent or less of the median income for the person's county, as determined by  
4 the United States [Bureau of the] Census **Bureau's American Community Survey, based on**  
5 **the most recent of five-year period estimate data in which the final year of the estimate**  
6 **ends in either zero or five**, could afford if spending twenty-nine percent of that person's gross  
7 income annually on such housing.

2. Clerical, research and general administrative support staff for the commission shall  
9 be provided by the Missouri department of economic development.

253.022. [1.] The department of natural resources is authorized to administer the  
2 National Historic Preservation Act of 1966, Public Law 89-665.

3 [2. There is hereby created in the state treasury for use by the department of natural  
4 resources a fund to be known as "The National Historic Preservation Fund". All federal moneys  
5 received by the state of Missouri from the National Historic Preservation Act of 1966, Public  
6 Law 89-665, shall be deposited in the fund.

7 3. Moneys deposited in the fund shall, upon appropriation by the general assembly to the  
8 department of natural resources, be received and expended by the department of natural  
9 resources for the purpose of assuring preservation and protection of sites listed on the National  
10 Register of Historic Places, with private citizens, societies, associations, corporations,  
11 municipalities and state and federal agencies.

12 4. Any unexpended balance in the national historic preservation fund at the end of any  
13 appropriation period shall not be transferred to the general revenue fund of the state treasury and,  
14 accordingly, shall be exempt from the provisions of section 33.080, RSMo, relating to transfer  
15 of funds to the general revenue funds of the state by the state treasurer.]

260.370. 1. Where proven technology is available and the economic impact is  
2 reasonable, pursuant to rules and regulations promulgated by the commission, the hazardous  
3 waste management commission shall encourage that every effort is made to effectively treat,  
4 recycle, detoxify, incinerate or otherwise treat hazardous waste to be disposed of in the state of  
5 Missouri in order that such wastes are not disposed of in a manner which is hazardous to the  
6 public health and the environment. Where proven technology is available with respect to a  
7 specific hazardous waste and the economic impact is reasonable, pursuant to rules and  
8 regulations promulgated by the commission, the hazardous waste management commission shall  
9 direct that disposal of the specific hazardous wastes using land filling as the primary method is  
10 prohibited.

11 2. The hazardous waste management commission shall, by rules and regulations,  
12 categorize hazardous waste by taking into account toxicity, persistence and degradability in  
13 nature, potential for accumulation in tissue, and other related factors such as flammability,  
14 corrosiveness and other hazardous characteristics. The commission shall by rules and  
15 regulations further establish within each category the wastes which may or may not be disposed  
16 of through alternative hazardous waste management technologies including, but not limited to,  
17 treatment facilities, incinerators, landfills, landfarms, storage facilities, surface impoundments,  
18 recycling, reuse and reduction. The commission shall specify, by rule and regulation, the  
19 frequency of inspection for each method of hazardous waste management and for the different  
20 waste categories at hazardous waste management sites. The inspection may be daily when the  
21 hazardous waste management commission deems it necessary. The hazardous waste  
22 management commission shall specify, by rule, fees to be paid to the department by owners or  
23 operators of hazardous waste facilities who have obtained, or are required to obtain, a hazardous

24 waste facility permit and who accept, on a commercial basis for remuneration, hazardous waste  
25 from off-site sources, but not including wastes generated by the same person at other sites  
26 located in Missouri or within a metropolitan statistical area located partially in Missouri and  
27 owned or operated by the same person and transferred to the hazardous waste facility, for  
28 treatment, storage or disposal, for inspections conducted by the department to determine  
29 compliance with sections 260.350 to 260.430 and the regulations promulgated thereunder. Funds  
30 derived from these inspection fees shall be used for the purpose of funding the inspection of  
31 hazardous waste facilities, as specified in subsection 3 of section 260.391. Such fees shall not  
32 exceed twelve thousand dollars per year per facility and the commission shall establish a  
33 graduated fee scale based on the volume of hazardous waste accepted with reduced fees for  
34 facilities accepting smaller volumes of hazardous waste. The department shall furnish, upon  
35 request, to the person, firm or corporation operating the hazardous waste facility a complete, full  
36 and detailed accounting of the cost of the department's inspections of the facility for the  
37 twelve-month period immediately preceding the request within forty-five days after receipt of  
38 the request. Failure to provide the accounting within forty-five days shall require the department  
39 to refund the inspection fee paid during the twelve-month-time period.

40           3. In addition to any other powers vested in it by law, the commission shall have the  
41 following powers:

42           (1) From time to time adopt, amend or repeal, after due notice and public hearing,  
43 standards, rules and regulations to implement, enforce and carry out the provisions of sections  
44 260.350 to 260.430 and any required of this state by any federal hazardous waste management  
45 act and as the commission may deem necessary to provide for the safe management of hazardous  
46 wastes to protect the health of humans and the environment. In implementing this subsection,  
47 the commission shall consider the variations within this state in climate, geology, population  
48 density, quantities and types of hazardous wastes generated, availability of hazardous waste  
49 facilities and such other factors as may be relevant to the safe management of hazardous wastes.  
50 Within two years after September 28, 1977, the commission shall adopt rules and regulations  
51 including the following:

52           (a) Rules and regulations establishing criteria and a listing for the determination of  
53 whether any waste or combination of wastes is hazardous for the purposes of sections 260.350  
54 to 260.430, taking into account toxicity, persistence and degradability in nature, potential for  
55 accumulation in tissue, and other related factors such as flammability, corrosiveness and other  
56 hazardous characteristics;

57           (b) Rules and regulations for the storage, treatment and disposal of hazardous wastes;

58 (c) Rules and regulations for the transportation, containerization and labeling of  
59 hazardous wastes, which shall be consistent with those issued by the Missouri public service  
60 commission;

61 (d) Rules and regulations establishing standards for the issuance, modification,  
62 suspension, revocation or denial of such licenses and permits as are consistent with the purposes  
63 of sections 260.350 to 260.430;

64 (e) Rules and regulations establishing standards and procedures for the safe operation  
65 and maintenance of hazardous waste facilities in order to protect the health of humans and other  
66 living organisms;

67 (f) Rules and regulations listing those wastes or combinations of wastes, for which  
68 criteria have been established under paragraph (a) of this subdivision and which are not  
69 compatible and which may not be stored or disposed of together;

70 (g) Rules and regulations establishing procedures and requirements for the reporting of  
71 the generation, storage, transportation, treatment or disposal of hazardous wastes;

72 (2) Adopt and publish, after notice as required by the provisions of chapter 536, RSMo,  
73 pertaining to administrative rulemaking, and public hearing, a state hazardous waste management  
74 plan to provide for the safe and effective management of hazardous wastes within this state. This  
75 plan shall be adopted within two years after September 28, 1977, and revised at least once every  
76 five years thereafter;

77 (3) Hold hearings, issue notices of hearings and subpoenas requiring the attendance of  
78 witnesses and the production of evidence, administer oaths and take testimony as the commission  
79 deems necessary to accomplish the purposes of sections 260.350 to 260.430 or as required by  
80 any federal hazardous waste management act. Unless otherwise specified in sections 260.350  
81 to 260.430, any of these powers may be exercised on behalf of the commission by any members  
82 thereof or a hearing officer designated by it;

83 (4) Grant individual variances in accordance with the provisions of sections 260.350 to  
84 260.430;

85 (5) Make such orders as are necessary to implement, enforce and effectuate the powers,  
86 duties and purposes of sections 260.350 to 260.430.

87 4. No rule or portion of a rule promulgated under the authority of sections 260.350 to  
88 260.480 and sections 260.565 to 260.575 shall become effective unless it has been promulgated  
89 pursuant to the provisions of section 536.024, RSMo.

90 5. To the extent there is a conflict concerning authority for risk-based remediation rules  
91 between this section and section 644.143, RSMo, or subdivision (8) of section 644.026, RSMo,  
92 this section shall prevail.

93 [6. Beginning July 1, 2004, a joint committee appointed by the speaker of the house of  
94 representatives and the president pro tem of the senate shall consider proposals for restructuring  
95 the fees paid by hazardous waste generators and hazardous waste facilities. The committee shall  
96 consider options for expanding the fee structure to more fairly apportion the cost of services  
97 provided among all those that benefit from those services. The committee shall prepare and  
98 submit a report including its recommendation for changes to the governor, the house of  
99 representatives, and the senate no later than December 31, 2004.]

288.090. 1. Contributions shall accrue and become payable by each employer for each  
2 calendar year in which he is subject to this law. Such contributions shall become due and be paid  
3 by each employer to the division for the fund on or before the last day of the month following  
4 each calendar quarterly period of three months except when regulation requires monthly  
5 payment. Any employer upon application, or pursuant to a general or special regulation, may  
6 be granted an extension of time, not exceeding three months, for the making of his or her  
7 quarterly contribution and wage reports or for the payment of such contributions. Payment of  
8 contributions due shall be made to the treasurer designated pursuant to section 288.290.

9 (1) In the payment of any contributions due, a fractional part of a cent shall be  
10 disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one  
11 cent;

12 (2) Contributions shall not be deducted in whole or in part from the wages of individuals  
13 in employment.

14 2. As of June thirtieth of each year, the division shall establish an average industry  
15 contribution rate for the next succeeding calendar year for each of the industrial classification  
16 divisions listed in the industrial classification system established by the federal government. The  
17 average industry contribution rate for each standard industrial classification division shall be  
18 computed by multiplying total taxable wages paid by each employer in the industrial  
19 classification division during the twelve consecutive months ending on June thirtieth by the  
20 employer's contribution rate established for the next calendar year and dividing the aggregate  
21 product for all employers in the industrial classification division by the total of taxable wages  
22 paid by all employers in the industrial classification division during the twelve consecutive  
23 months ending on June thirtieth. Each employer will be assigned to an industrial classification  
24 code division as determined by the division in accordance with the definitions contained in the  
25 industrial classification system established by the federal government, and shall pay  
26 contributions at the average industry rate established for the preceding calendar year for the  
27 industrial classification division to which it is assigned or two and seven-tenths percent of  
28 taxable wages paid by it, whichever is the greater, unless there have been at least twelve  
29 consecutive calendar months immediately preceding the calculation date throughout which its

30 account could have been charged with benefits. The division shall classify all employers meeting  
31 this chargeability requirement for each calendar year in accordance with their actual experience  
32 in the payment of contributions on their own behalf and with respect to benefits charged against  
33 their accounts, with a view to fixing such contribution rates as will reflect such experience. The  
34 division shall determine the contribution rate of each such employer in accordance with sections  
35 288.113 to 288.126. Notwithstanding the provisions of this subsection, any employing unit  
36 which becomes an employer pursuant to the provisions of subsection 7 or 8 of section 288.034  
37 shall pay contributions equal to one percent of wages paid by it until its account has been  
38 chargeable with benefits for the period of time sufficient to enable it to qualify for a computed  
39 rate on the same basis as other employers.

40         3. Benefits paid to employees of any governmental entity and nonprofit organizations  
41 shall be financed in accordance with the provisions of this subsection. For the purpose of this  
42 subsection, a "nonprofit organization" is an organization (or group of organizations) described  
43 in Section 501(c)(3) of the United States Internal Revenue Code which is exempt from income  
44 tax under Section 501(a) of such code.

45         (1) A governmental entity which, pursuant to subsection 7 of section 288.034, or  
46 nonprofit organization which, pursuant to subsection 8 of section 288.034, is, or becomes,  
47 subject to this law on or after April 27, 1972, shall pay contributions due under the provisions  
48 of subsections 1 and 2 of this section unless it elects, in accordance with this subdivision, to pay  
49 to the division for the unemployment compensation fund an amount equal to the amount of  
50 regular benefits and of one-half of the extended benefits paid, that is attributable to service in the  
51 employ of such governmental entity or nonprofit organization, to individuals for weeks of  
52 unemployment which begin during the effective period of such election; except that, with respect  
53 to benefits paid for weeks of unemployment beginning on or after January 1, 1979, any such  
54 election by a governmental entity shall be to pay to the division for the unemployment  
55 compensation fund an amount equal to the amount of all regular benefits and all extended  
56 benefits paid that is attributable to service in the employ of such governmental entity.

57         (a) A governmental entity or nonprofit organization which is, or becomes, subject to this  
58 law on or after April 27, 1972, may elect to become liable for payments in lieu of contributions  
59 for a period of not less than one calendar year, provided it files with the division a written notice  
60 of its election within the thirty-day period immediately following the date of the determination  
61 of such subjectivity. The provisions of paragraphs (a) through (e) of subdivision (4) of  
62 subsection 1 of section 288.100 shall not apply in the calendar year 1998 and each calendar year  
63 thereafter, in the case of an employer who has elected to become liable for payments in lieu of  
64 contributions.

65 (b) A governmental entity or nonprofit organization which makes an election in  
66 accordance with paragraph (a) of this subdivision will continue to be liable for payments in lieu  
67 of contributions until it files with the division a written notice terminating its election not later  
68 than thirty days prior to the beginning of the calendar year for which such termination shall first  
69 be effective.

70 (c) A governmental entity or any nonprofit organization which has been paying  
71 contributions under this law for a period subsequent to January 1, 1972, may change to a  
72 reimbursable basis by filing with the division not later than thirty days prior to the beginning of  
73 any calendar year a written notice of election to become liable for payments in lieu of  
74 contributions. Such election shall not be terminable by the organization for that and the next  
75 calendar year.

76 (d) The division, in accordance with such regulations as may be adopted, shall notify  
77 each governmental entity or nonprofit organization of any determination of its status of an  
78 employer and of the effective date of any election which it makes and of any termination of such  
79 election. Such determination shall be subject to appeal as is provided in subsection 4 of section  
80 288.130.

81 (2) Payments in lieu of contributions shall be made in accordance with the provisions  
82 of paragraph (a) of this subdivision, as follows:

83 (a) At the end of each calendar quarter, or at the end of any other period as determined  
84 by the director, the division shall bill the governmental entity or nonprofit organization (or group  
85 of such organizations) which has elected to make payments in lieu of contributions for an amount  
86 equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid  
87 during such quarter or other prescribed period that is attributable to service in the employ of such  
88 organization; except that, with respect to extended benefits paid for weeks of unemployment  
89 beginning on or after January 1, 1979, which are attributable to service in the employ of a  
90 governmental entity, the governmental entity shall be billed for the full amount of such extended  
91 benefits.

92 (b) Payment of any bill rendered under paragraph (a) of this subdivision shall be due and  
93 shall be made not later than thirty days after such bill was mailed to the last known address of  
94 the governmental entity or nonprofit organization or was otherwise delivered to it.

95 (c) Payments made by the governmental entity or nonprofit organization under the  
96 provisions of this subsection shall not be deducted or deductible, in whole or in part, from the  
97 remuneration of individuals in the employ of the organization.

98 (d) Past due payments of amounts in lieu of contributions shall be subject to the same  
99 interest and penalties that apply to past due contributions. Also, unpaid amounts in lieu of  
100 contributions, interest, penalties and surcharges are subject to the same assessment, civil action

101 and compromise provisions of this law as apply to unpaid contributions. Further, the provisions  
102 of this law which provide for the adjustment or refund of contributions shall apply to the  
103 adjustment or refund of payments in lieu of contributions.

104 (3) If any governmental entity or nonprofit organization fails to timely file a required  
105 quarterly wage report, the division shall assess such entity or organization a penalty as provided  
106 in subsections 1 and 2 of section 288.160.

107 (4) Except as provided in subsection 4 of this section, each employer that is liable for  
108 payments in lieu of contributions shall pay to the division for the fund the amount of regular  
109 benefits plus the amount of one-half of extended benefits paid that are attributable to service in  
110 the employ of such employer; except that, with respect to benefits paid for weeks of  
111 unemployment beginning on or after January 1, 1979, a governmental entity that is liable for  
112 payments in lieu of contributions shall pay to the division for the fund the amount of all regular  
113 benefits and all extended benefits paid that are attributable to service in the employ of such  
114 employer. If benefits paid to an individual are based on wages paid by more than one employer  
115 in the base period of the claim, the amount chargeable to each employer shall be obtained by  
116 multiplying the benefits paid by a ratio obtained by dividing the base period wages from such  
117 employer by the total wages appearing in the base period.

118 (5) Two or more employers that have become liable for payments in lieu of  
119 contributions, in accordance with the provisions of subdivision (1) of this subsection, may file  
120 a joint application to the division for the establishment of a group account for the purpose of  
121 sharing the cost of benefits paid that are attributable to service in the employ of such employers.  
122 Each such application shall identify and authorize a group representative to act as the group's  
123 agent for the purposes of this subdivision. Upon approval of the application, the division shall  
124 establish a group account for such employers effective as of the beginning of the calendar quarter  
125 in which the application was received and shall notify the group's representative of the effective  
126 date of the account. Such account shall remain in effect for not less than two years and thereafter  
127 until terminated at the discretion of the director or upon application by the group. Upon  
128 establishment of the account, each member of the group shall be liable for payments in lieu of  
129 contributions with respect to each calendar quarter in the amount that bears the same ratio to the  
130 total benefits paid in such quarter that are attributable to service performed in the employ of all  
131 members of the group as the total wages paid for service in employment by such member in such  
132 quarter bears to the total wages paid during such quarter for service performed in the employ of  
133 all members of the group. The director shall prescribe such regulations as he or she deems  
134 necessary with respect to applications for establishment, maintenance and termination of group  
135 accounts that are authorized by this subdivision, for addition of new members to, and withdrawal  
136 of active members from, such accounts, and for the determination of the amounts that are

137 payable under this subdivision by members of the group and the time and manner of such  
138 payments.

139         4. Any employer which elects to make payments in lieu of contributions into the  
140 unemployment compensation fund as provided in subdivision (1) of subsection 3 of this section  
141 shall not be liable to make such payments with respect to the benefits paid to any individual  
142 whose base period wages include wages for previous work not classified as insured work as  
143 defined in section 288.030 to the extent that the unemployment compensation fund is reimbursed  
144 for such benefits pursuant to Section 121 of Public Law 94-566.

145         5. [Any employer which elects to make payments in lieu of contributions pursuant to  
146 subsection 3 of this section shall be liable for an additional surcharge to the division for the  
147 unemployment compensation trust fund in an amount equal to the interest rate on United States  
148 treasury bills, averaged for the previous four calendar quarters, multiplied by the total benefit  
149 payments charged to the employer's account. Governmental entities except cities, counties and  
150 the state of Missouri which elect to make payments in lieu of contributions pursuant to  
151 subsection 3 of this section shall be liable for an additional surcharge to the division for the  
152 unemployment compensation fund in an amount equal to one-half of the interest rate on United  
153 States treasury bills, averaged for the previous four calendar quarters, multiplied by the total  
154 benefit payments charged to the employer's account. The cumulative benefits charged plus the  
155 cumulative surcharges pursuant to this subsection for all employers electing to make payments  
156 in lieu of contributions shall not exceed the summation of total benefit payments chargeable and  
157 not chargeable for the calendar quarter. The provisions of this subsection shall not be effective  
158 after September 30, 1993.

159         6. Beginning October 1, 1993, through December 31, 1993, any employer which elects  
160 to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable  
161 for an additional surcharge to the division for the unemployment compensation trust fund in an  
162 amount equal to the interest rate of United States treasury bills, averaged for the previous four  
163 calendar quarters, multiplied by the total benefit payments charged to the employer's account.  
164 The cumulative benefits charged plus the cumulative surcharges pursuant to this subsection for  
165 all employers electing to make payments in lieu of contributions shall not exceed the summation  
166 of total benefit payments chargeable and not chargeable for the calendar quarter.

167         7. Beginning January 1, 1994, through December 31, 1995, any employer which elects  
168 to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable  
169 for an additional surcharge to the division for the unemployment compensation trust fund. The  
170 calendar year surcharge rate will be the base prime rate on corporate loans posted by at least  
171 seventy-five percent of the nation's thirty largest banks as of November thirtieth of the preceding  
172 year. The additional surcharge will be the surcharge rate multiplied by the total benefit payments

173 charged to the employer's account. The cumulative benefits charged plus the cumulative  
174 surcharges pursuant to this subsection for all employers electing to make payments in lieu of  
175 contributions shall not exceed the summation of total benefit payments chargeable and not  
176 chargeable for the calendar quarter.

177         8. Beginning January 1, 1996, through December 31, 1996, any employer which elects  
178 to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable  
179 for the total benefit payments chargeable to its account pursuant to the provisions of section  
180 288.100 plus one-third of the total benefit payments not charged to its account pursuant to  
181 paragraphs (a) through (e) of subdivision (4) of subsection 1 of section 288.100. The remaining  
182 two-thirds of the benefit payments not charged to its account pursuant to paragraphs (a) through  
183 (e) of subdivision (4) of subsection 1 of section 288.100 shall be paid by the unemployment  
184 compensation trust fund.

185         9. Beginning January 1, 1997, through December 31, 1997, any employer which elects  
186 to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable  
187 for the total benefit payments chargeable to its account pursuant to the provisions of section  
188 288.100 plus two-thirds of the total benefit payments not charged to its account pursuant to  
189 paragraphs (a) through (e) of subdivision (4) of subsection 1 of section 288.100. The remaining  
190 one-third of the benefit payments not charged to its account pursuant to paragraphs (a) through  
191 (e) of subdivision (4) of subsection 1 of section 288.100 shall be paid by the unemployment  
192 compensation trust fund.

193         10.] Beginning January 1, 1998, and each calendar year thereafter, any employer which  
194 elects to make payments in lieu of contributions pursuant to subsection 3 of this section shall be  
195 liable for all benefit payments and shall not have charges relieved pursuant to the provisions of  
196 paragraphs (a) through (e) of subdivision (4) of subsection 1 of section 288.100.

197         [11.] 6. (1) For the purposes of this chapter, a common paymaster arrangement will not  
198 exist unless approval has been obtained from the division. To receive a division-approved  
199 common paymaster arrangement, the related corporation designated to be the common paymaster  
200 for the related corporations must notify the division in writing at least thirty days prior to the  
201 beginning of the quarter in which the common paymaster reporting is to be effective. The  
202 common paymaster shall furnish the name and account number of each corporation in the related  
203 group that will be utilizing the one corporation as the common paymaster. The common  
204 paymaster shall also notify the division at least thirty days prior to any change in the related  
205 group of corporations or termination of the common paymaster arrangement. The common  
206 paymaster shall be responsible for keeping books and records for the payroll with respect to its  
207 own employees and the concurrently employed individuals of the related corporations. In order  
208 for remuneration to be eligible for the provisions applicable to a common paymaster, the

209 individuals must be concurrently employed and the remuneration must be disbursed through the  
210 common paymaster. The common paymaster shall have the primary responsibility for remitting  
211 all required quarterly contribution and wage reports, contributions due with respect to the  
212 remuneration it disburses as the common paymaster and/or payments in lieu of contributions.  
213 The common paymaster shall compute the contributions due as though it were the sole employer  
214 of the concurrently employed individuals. If the common paymaster fails to remit the quarterly  
215 contribution and wage reports, contributions due and/or payments in lieu of contributions, in  
216 whole or in part, it shall remain liable for submitting the quarterly contribution and wage reports  
217 and the full amount of the unpaid portion of the contributions due and/or payments in lieu of  
218 contributions. In addition, each of the related corporations using the common paymaster shall  
219 be jointly and severally liable for submitting quarterly contribution and wage reports, its share  
220 of the contributions due and/or payments in lieu of contributions, penalties, interest and  
221 surcharges which are not submitted and/or paid by the common paymaster. All contributions  
222 due, payments in lieu of contributions, penalties, interest and surcharges which are not timely  
223 paid to the division under a common paymaster arrangement shall be subject to the collection  
224 provisions of this chapter.

225 (2) For the purposes of this subsection, "concurrent employment" means the  
226 simultaneous existence of an employment relationship between an individual and two or more  
227 related corporations for any calendar quarter in which employees are compensated through a  
228 common paymaster which is one of the related corporations, those corporations shall be  
229 considered one employing unit and be subject to the provisions of this chapter.

230 (3) For the purposes of this subsection, "related corporations" means that corporations  
231 shall be considered related corporations for an entire calendar quarter if they satisfy any one of  
232 the following tests at any time during the calendar quarter:

233 (a) The corporations are members of a "controlled group of corporations". The term  
234 "controlled group of corporations" means:

235 a. Two or more corporations connected through stock ownership with a common parent  
236 corporation, if the parent corporation owns stock possessing at least fifty percent of the total  
237 combined voting power of all classes of stock entitled to vote or at least fifty percent of the total  
238 value of shares of all classes of stock of each of the other corporations; or

239 b. Two or more corporations, if five or less persons who are individuals, estates or trusts  
240 own stock possessing at least fifty percent of the total combined voting power of all classes of  
241 stock entitled to vote or at least fifty percent of the total value of shares of all classes of stock of  
242 each of the other corporations; or

243 (b) In the case of corporations which do not issue stock, at least fifty percent of the  
244 members of one corporation's board of directors are members of the board of directors of the  
245 other corporations; or

246 (c) At least fifty percent of one corporation's officers are concurrently officers of the  
247 other corporations; or

248 (d) At least thirty percent of one corporation's employees are concurrently employees of  
249 the other corporations.

303.026. 1. The director shall inform each owner who registers a motor vehicle of the  
2 following:

3 (1) The existence of the requirement that every motor vehicle owner in the state must  
4 maintain his financial responsibility;

5 (2) The requirement that every motor vehicle owner show an insurance identification  
6 card, or a copy thereof, or other proof of financial responsibility at the time of vehicle  
7 registration; this notice shall be given at least thirty days prior to the month for renewal and shall  
8 be shown in bold, colored print;

9 (3) The penalties which apply to violations of the requirement to maintain financial  
10 responsibility;

11 (4) The benefits of maintaining coverages in excess of those which are required;

12 (5) The director's authority to conduct samples of Missouri motor vehicle owners to  
13 ensure compliance.

14 2. No motor vehicle owner shall be issued registration for a vehicle unless the owner,  
15 or his authorized agent, signs an affidavit provided by the director of revenue at the time of  
16 registration of the vehicle certifying that such owner has and will maintain, during the period of  
17 registration, financial responsibility with respect to each motor vehicle that is owned, licensed  
18 or operated on the streets or highways. The affidavit need not be notarized, but it shall be  
19 acknowledged by the person processing the form. The affidavit shall state clearly and in bold  
20 print the following: "Any false affidavit is a crime under section 575.050 of Missouri law.". In  
21 addition, every motor vehicle owner shall show proof of such financial responsibility by  
22 presenting his or her insurance identification card, as described in section 303.024, or a copy  
23 thereof, or some other proof of financial responsibility in the form prescribed by the director of  
24 revenue at the time of registration unless such owner registers his vehicle in conjunction with  
25 a reciprocity agreement entered into by the Missouri highway reciprocity commission pursuant  
26 to sections 301.271 to 301.279, RSMo, or unless the owner insures the vehicle according to the  
27 requirements of the division of motor carrier and railroad safety pursuant to section 390.126,  
28 RSMo.

29           3. To ensure compliance with this chapter, the director may utilize a variety of sampling  
30 techniques including but not limited to random samples of registrations subject to this section,  
31 uniform traffic tickets, insurance information provided to the director at the time of motor  
32 vehicle registration, and persons who during the preceding year have received a disposition of  
33 court-ordered supervision or suspension. The director may verify the financial responsibility of  
34 any person sampled or reported.

35           (1) Beginning January 1, 2001, the director may require such information, as in his or  
36 her discretion is necessary to enforce the requirements of subdivision (1) of subsection 1 of this  
37 section, to be submitted from the person's insurer or insurance company. When requested by the  
38 director of revenue, all licensed insurance companies in this state which sell private passenger  
39 (noncommercial) motor vehicle insurance policies shall report information regarding the  
40 issuance, nonrenewal and cancellation of such policies to the director, excluding policies issued  
41 to owners of fleet or rental vehicles or issued on vehicles that are insured pursuant to a  
42 commercial line policy. Such information shall be reported electronically in a format as  
43 prescribed by the director of the department of revenue by rule except that such rule shall provide  
44 for an exemption from electronic reporting for insurers with a statistically insignificant number  
45 of policies in force.

46           (2) [The director may require the data described in subsection 2 of section 303.412 to  
47 be reported by insurance companies and require reporting periods of at least once per month.]  
48 When required by the director of revenue, each insurance company shall provide to the  
49 department a record of each policy issued, canceled, terminated or revoked during the period  
50 since the previous report. Nothing in this section shall prohibit insurance companies from  
51 reporting more frequently than once per month.

52           (3) The director may use reports described in subdivision (1) of this subsection for  
53 sampling purposes as provided in this section.

54           4. Information provided to the department by an insurance company for use in  
55 accordance with this section is the property of the insurer and is not subject to disclosure  
56 pursuant to chapter 610, RSMo. Such information may be utilized by the department for  
57 enforcement of this chapter but may not be disclosed except that the department shall disclose  
58 whether an individual is maintaining the required insurance coverage upon request of the  
59 following individuals and agencies only:

60           (1) The individual;

61           (2) The parent or legal guardian of an individual if the individual is an unemancipated  
62 minor;

63           (3) The legal guardian of the individual if the individual is legally incapacitated;

64           (4) Any person who has power of attorney from the individual;

65 (5) Any person who submits a notarized release from the individual that is dated no more  
66 than ninety days before the request is made;

67 (6) Any person claiming loss or injury in a motor vehicle accident in which the  
68 individual is involved;

69 (7) The office of the state auditor, for the purpose of conducting any audit authorized by  
70 law.

71 5. The director[, after consultation with the working group as provided for in section  
72 303.406,] may adopt any rules and regulations necessary to carry out the provisions of  
73 subdivisions (1) through (3) of subsection 3 of this section. Any rule or portion of a rule, as that  
74 term is defined in section 536.010, RSMo, that is created under the authority delegated in this  
75 section shall become effective only if it complies with and is subject to all of the provisions of  
76 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,  
77 RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to  
78 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are  
79 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
80 or adopted after August 28, 2000, shall be invalid and void.

81 6. Any person or agency who knowingly discloses information received from insurance  
82 companies pursuant to this section for any purpose, or to a person, other than those authorized  
83 in this section is guilty of a class A misdemeanor. No insurer shall be liable to any person for  
84 performing its duties pursuant to this section unless and to the extent the insurer commits a  
85 willful and wanton act of omission.

86 7. The department of revenue shall notify the department of insurance, financial  
87 institutions and professional registration of any insurer who violates any provisions of this  
88 section. The department of insurance, financial institutions and professional registration may,  
89 against any insurer who knowingly fails to comply with this section, assess an administrative  
90 penalty up to five hundred dollars per day of noncompliance. The department of insurance,  
91 financial institutions and professional registration may excuse the administrative penalty if an  
92 assessed insurer provides acceptable proof that such insurer's noncompliance was inadvertent,  
93 accidental or the result of excusable neglect. The penalty provisions of this section shall become  
94 effective six months after the rule issued pursuant to subsections 3 and 5 of this section is  
95 published in the code of state regulations.

96 8. To verify that financial responsibility is being maintained, the director shall notify the  
97 owner or operator of the need to provide, within fifteen days, proof of the existence of the  
98 required financial responsibility.

99 The request shall require the owner or the operator to state whether or not the motor vehicle was  
100 insured on the verification date stated in the director's request. The request may include but not

101 be limited to a statement of the names and addresses of insurers, policy numbers and expiration  
102 date of insurance coverage. Failure to provide such information shall result in the suspension  
103 of the registration of the owner's motor vehicle, and where applicable, the owner's or the  
104 operator's driving privilege, for failing to meet such requirements, as is provided in this chapter.

313.008. All revenue received by the commission from license fees, penalties, and  
2 administrative fees authorized under the provisions of sections 313.005 to 313.085 shall be  
3 deposited in the state treasury to the credit of the "Gaming Commission Fund", and upon  
4 appropriation may be used for the purposes specified in section 313.835. [All unobligated funds  
5 in the gaming commission bingo fund on August 28, 2000, shall be transferred to the gaming  
6 commission fund and the gaming commission bingo fund shall be abolished on June 30, 2001.]

313.835. 1. All revenue received by the commission from license fees, penalties,  
2 administrative fees, reimbursement by any excursion gambling boat operators for services  
3 provided by the commission and admission fees authorized pursuant to the provisions of sections  
4 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may  
5 be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be  
6 deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby  
7 created for the sole purpose of funding the administrative costs of the commission, subject to  
8 appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling  
9 operations. Moneys deposited into the gaming commission fund shall be considered state funds  
10 pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the  
11 gaming commission fund shall be credited to the gaming commission fund. In each fiscal year,  
12 total revenues to the gaming commission fund for the preceding fiscal year shall be compared  
13 to total expenditures and transfers from the gaming commission fund for the preceding fiscal  
14 year. The remaining net proceeds in the gaming commission fund shall be distributed in the  
15 following manner:

16 (1) The first five hundred thousand dollars shall be appropriated on a per capita basis to  
17 cities and counties that match the state portion and have demonstrated a need for funding  
18 community neighborhood organization programs for the homeless and to deter gang-related  
19 violence and crimes;

20 (2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and  
21 prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund",  
22 as hereby created in the state treasury. The state treasurer shall administer the veterans'  
23 commission capital improvement trust fund, and the moneys in such fund shall be used solely,  
24 upon appropriation, by the Missouri veterans' commission for:

25 (a) The construction, maintenance or renovation or equipment needs of veterans' homes  
26 in this state;

27 (b) The construction, maintenance, renovation, equipment needs and operation of  
28 veterans' cemeteries in this state;

29 (c) Fund transfers to Missouri veterans' homes fund established pursuant to the  
30 provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund;

31 (d) Fund transfers to any municipality with a population greater than four hundred  
32 thousand and located in part of a county with a population greater than six hundred thousand in  
33 this state which has established a fund for the sole purpose of the restoration, renovation and  
34 maintenance of a memorial or museum or both dedicated to World War I. Appropriations from  
35 the veterans' commission capital improvement trust fund to such memorial fund shall be  
36 provided only as a one-time match for other funds devoted to the project and shall not exceed  
37 five million dollars. Additional appropriations not to exceed ten million dollars total may be  
38 made from the veterans' commission capital improvement trust fund as a match to other funds  
39 for the new construction or renovation of other facilities dedicated as veterans' memorials in the  
40 state. All appropriations for renovation, new construction, reconstruction, and maintenance of  
41 veterans' memorials shall be made only for applications received by the Missouri veterans'  
42 commission prior to July 1, 2004;

43 (e) The issuance of matching fund grants for veterans' service officer programs to any  
44 federally chartered veterans' organization or municipal government agency that is certified by  
45 the Veterans Administration to process veteran claims within the Veterans Administration  
46 System; provided that such veterans' organization has maintained a veterans' service officer  
47 presence within the state of Missouri for the three-year period immediately preceding the  
48 issuance of any such grant. A total of one million dollars in grants shall be made available  
49 annually with grants being issued in July of each year. Application for the matching grants shall  
50 be made through and approved by the Missouri veterans' commission based on the requirements  
51 established by the commission;

52 (f) For payment of Missouri national guard and Missouri veterans' commission expenses  
53 associated with providing medals, medallions and certificates in recognition of service in the  
54 armed forces of the United States during World War II and the Korean Conflict pursuant to  
55 sections 42.170 to 42.206, RSMo. Any funds remaining from the medals, medallions and  
56 certificates shall not be transferred to any other fund and shall only be utilized for the awarding  
57 of future medals, medallions, and certificates in recognition of service in the armed forces; and

58 (g) Fund transfers totaling ten million dollars to any municipality with a population  
59 greater than three hundred fifty thousand inhabitants and located in part in a county with a  
60 population greater than six hundred thousand inhabitants and with a charter form of government,  
61 for the sole purpose of the construction, restoration, renovation and maintenance of a memorial  
62 or museum or both dedicated to World War I. Any interest which accrues to the fund shall

63 remain in the fund and shall be used in the same manner as moneys which are transferred to the  
64 fund pursuant to this section. Notwithstanding the provisions of section 33.080, RSMo, to the  
65 contrary, moneys in the veterans' commission capital improvement trust fund at the end of any  
66 biennium shall not be transferred to the credit of the general revenue fund;

67 (3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and  
68 each fiscal year thereafter shall be distributed as follows:

69 (a) The first four and one-half million dollar portion shall be transferred to the access  
70 Missouri financial assistance fund, established pursuant to the provisions of sections 173.1101  
71 to 173.1107, RSMo, and additional moneys as annually appropriated by the general assembly  
72 shall be appropriated to such fund;

73 (b) The second three million dollar portion shall be transferred to the veterans'  
74 commission capital improvement trust fund;

75 (c) The third three million dollar portion shall be transferred to the Missouri national  
76 guard trust fund created in section 41.214, RSMo;

77 (d) Subject to appropriations, one hundred percent of remaining net proceeds in the  
78 gaming commission fund except as provided in paragraph (l) of this subdivision, and after the  
79 appropriations made pursuant to the provisions of paragraphs (a), (b), and (c) of this subdivision,  
80 shall be transferred to the "Early Childhood Development, Education and Care Fund" which is  
81 hereby created to give parents meaningful choices and assistance in choosing the child-care and  
82 education arrangements that are appropriate for their family. All interest received on the fund  
83 shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys  
84 in the fund at the end of any biennium shall not be transferred to the credit of the general revenue  
85 fund. Any moneys deposited in such fund shall be used to support programs that prepare  
86 children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section  
87 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood  
88 development, education and care fund shall be annually appropriated for voluntary, early  
89 childhood development, education and care programs serving children in every region of the  
90 state not yet enrolled in kindergarten;

91 (e) No less than sixty percent of moneys deposited in the early childhood development,  
92 education and care fund shall be appropriated as provided in this paragraph to the department of  
93 elementary and secondary education and to the department of social services to provide early  
94 childhood development, education and care programs through competitive grants to, or contracts  
95 with, governmental or private agencies. Eighty percent of such moneys pursuant to the provisions  
96 of this paragraph and additional moneys as appropriated by the general assembly shall be  
97 appropriated to the department of elementary and secondary education and twenty percent of  
98 such moneys pursuant to the provisions of this paragraph shall be appropriated to the department

99 of social services. The departments shall provide public notice and information about the grant  
100 process to potential applicants:

101 a. Grants or contracts may be provided for:

102 (i) Start-up funds for necessary materials, supplies, equipment and facilities; and

103 (ii) Ongoing costs associated with the implementation of a sliding parental fee schedule  
104 based on income;

105 b. Grant and contract applications shall, at a minimum, include:

106 (i) A funding plan which demonstrates funding from a variety of sources including  
107 parental fees;

108 (ii) A child development, education and care plan that is appropriate to meet the needs  
109 of children;

110 (iii) The identity of any partner agencies or contractual service providers;

111 (iv) Documentation of community input into program development;

112 (v) Demonstration of financial and programmatic accountability on an annual basis;

113 (vi) Commitment to state licensure within one year of the initial grant, if funding comes  
114 from the appropriation to the department of elementary and secondary education and  
115 commitment to compliance with the requirements of the department of social services, if funding  
116 comes from the department of social services; and

117 (vii) With respect to applications by public schools, the establishment of a parent  
118 advisory committee within each public school program;

119 c. In awarding grants and contracts pursuant to this paragraph, the departments may give  
120 preference to programs which:

121 (i) Are new or expanding programs which increase capacity;

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

124 (iii) Are programs designed for special needs children;

125 (iv) Are programs that offer services during nontraditional hours and weekends; or

126 (v) Are programs that serve a high concentration of low-income families;

127 [d. Beginning on August 28, 1998, the department of elementary and secondary  
128 education and the department of social services shall initiate and conduct a four-year study to  
129 evaluate the impact of early childhood development, education and care in this state. The study  
130 shall consist of an evaluation of children eligible for moneys pursuant to this paragraph,  
131 including an evaluation of the early childhood development, education and care of those children  
132 participating in such program and those not participating in the program over a four-year period.  
133 At the conclusion of the study, the department of elementary and secondary education and the  
134 department of social services shall, within ninety days of conclusion of the study, submit a report

135 to the general assembly and the governor, with an analysis of the study required pursuant to this  
136 subparagraph, all data collected, findings, and other information relevant to early childhood  
137 development, education and care;]

138 (f) No less than ten percent of moneys deposited in the early childhood development,  
139 education and care fund shall be appropriated to the department of social services to provide  
140 early childhood development, education and care programs through child development,  
141 education and care certificates to families whose income does not exceed one hundred  
142 eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C.  
143 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development,  
144 education and care programs as approved by the department of social services. At a minimum,  
145 the certificate shall be of a value per child which is commensurate with the per child payment  
146 under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or  
147 contracts. On February first of each year the department shall certify the total amount of child  
148 development, education and care certificates applied for and the unused balance of the funds  
149 shall be released to be used for supplementing the competitive grants and contracts program  
150 authorized pursuant to paragraph (e) of this subdivision;

151 (g) No less than ten percent of moneys deposited in the early childhood development,  
152 education and care fund shall be appropriated to the department of social services to increase  
153 reimbursements to child-care facilities for low-income children that are accredited by a  
154 recognized, early childhood accrediting organization;

155 (h) No less than ten percent of the funds deposited in the early childhood development,  
156 education and care fund shall be appropriated to the department of social services to provide  
157 assistance to eligible parents whose family income does not exceed one hundred eighty-five  
158 percent of the federal poverty level who wish to care for their children under three years of age  
159 in the home, to enable such parent to take advantage of early childhood development, education  
160 and care programs for such parent's child or children. At a minimum, the certificate shall be of  
161 a value per child which is commensurate with the per child payment under item (ii) of  
162 subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The  
163 department of social services shall provide assistance to these parents in the effective use of early  
164 childhood development, education and care tools and methods;

165 (i) In setting the value of parental certificates under paragraph (f) of this subdivision and  
166 payments under paragraph (h) of this subdivision, the department of social services may increase  
167 the value based on the following:

168 a. The adult caretaker of the children successfully participates in the parents as teachers  
169 program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program  
170 provided by the department on early childhood development, education and care, the home-based

171 Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the  
172 department;

173           b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant  
174 to subdivision (1) of subsection 2 of section 210.152, RSMo; and

175           c. The degree of economic need of the family;

176           (j) The department of elementary and secondary education and the department of social  
177 services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for  
178 the implementation of the early childhood development, education and care programs as  
179 provided in paragraphs (e) through (i) of this subdivision;

180           (k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
181 is promulgated under the authority delegated in paragraph (j) of this subdivision shall become  
182 effective only if the agency has fully complied with all of the requirements of chapter 536,  
183 RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998.  
184 All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and  
185 repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal  
186 or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the  
187 provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and  
188 if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to  
189 review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held  
190 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed  
191 and contained in the order of rulemaking shall be invalid and void, except that nothing in this  
192 act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

193           (l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of  
194 this subdivision, in the gaming commission fund annually exceeds twenty-eight million dollars:  
195 one-half million dollars of such proceeds shall be transferred annually, subject to appropriation,  
196 to the access Missouri financial assistance fund, established pursuant to the provisions of  
197 sections 173.1101 to 173.1107, RSMo; three million dollars of such proceeds shall be transferred  
198 annually, subject to appropriation, to the veterans' commission capital improvement trust fund;  
199 and one million dollars of such proceeds shall be transferred annually, subject to appropriation,  
200 to the Missouri national guard trust fund created in section 41.214, RSMo.

201           2. Upon request by the veterans' commission, the general assembly may appropriate  
202 moneys from the veterans' commission capital improvements trust fund to the Missouri national  
203 guard trust fund to support the activities described in section 41.958, RSMo.

329.028. 1. There is hereby created in the state treasury a fund to be known as the  
2 "Board of Cosmetology and Barber Examiners Fund", which shall consist of all moneys collected  
3 by the board. All fees provided for in this chapter and chapter 328, RSMo, shall be payable to



14 as favorable to the contractholder, upon cessation of payment of considerations under the  
15 contract:

16 (1) That upon cessation of payment of considerations under a contract, the company will  
17 grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified  
18 in subsections 4, 5, 6, 7, and 9 of this section;

19 (2) If a contract provides for a lump sum settlement at maturity, or at any other time, that  
20 upon surrender of the contract at or prior to the commencement of any annuity payments, the  
21 company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of such amount  
22 as is specified in subsections 4, 5, 7, and 9 of this section. The company shall reserve the right  
23 to defer the payment of such cash surrender benefit for a period of six months after demand  
24 therefor with surrender of the contract;

25 (3) A statement of the mortality table, if any, and interest rates used in calculating any  
26 minimum paid-up annuity, cash surrender or death benefits that are guaranteed under the  
27 contract, together with sufficient information to determine the amounts of such benefits;

28 (4) A statement that any paid-up annuity, cash surrender or death benefits that may be  
29 available under the contract are not less than the minimum benefits required by any statute of the  
30 state in which the contract is delivered and an explanation of the manner in which such benefits  
31 are altered by the existence of any additional amounts credited by the company to the contract,  
32 any indebtedness to the company on the contract or any prior withdrawals from or partial  
33 surrenders of the contract. Notwithstanding the requirements of this section, any deferred  
34 annuity contract may provide that if no considerations have been received under a contract for  
35 a period of two full years and the portion of the paid-up annuity benefit at maturity on the plan  
36 stipulated in the contract arising from considerations paid prior to such period would be less than  
37 twenty dollars monthly, the company may at its option terminate such contract by payment in  
38 cash of the then present value of such portion of the paid-up annuity benefit, calculated on the  
39 basis of the mortality table, if any, and interest rate specified in the contract for determining the  
40 paid-up annuity benefit, and by such payment shall be relieved of any further obligation under  
41 such contract.

42 3. The minimum values as specified in subsections 4, 5, 6, 7, and 9 of this section of any  
43 paid-up annuity, cash surrender or death benefits available under an annuity contract shall be  
44 based upon minimum nonforfeiture amounts as defined in this section.

45 (1) With respect to contracts providing for flexible considerations, the minimum  
46 nonforfeiture amount at any time at or prior to the commencement of any annuity payment shall  
47 be equal to an accumulation up to such time at a rate of interest of three percent per annum of  
48 percentages of the net considerations (as hereinafter defined) paid prior to such time, decreased  
49 by the sum of:

50 (a) Any prior withdrawals from or partial surrenders of the contract accumulated at a rate  
51 of interest of three percent per annum; and

52 (b) The amount of any indebtedness to the company on the contract, including interest  
53 due and accrued and increased by any existing additional amounts credited by the company to  
54 the contract. The net considerations for a given contract year used to define the minimum  
55 nonforfeiture amount shall be an amount not less than zero and shall be equal to the  
56 corresponding gross considerations credited to the contract during that contract year less an  
57 annual contract charge of thirty dollars and less a collection charge of one dollar and twenty-five  
58 cents per consideration credited to the contract during that contract year. The percentages of net  
59 considerations shall be sixty-five percent of the net consideration for the first contract year and  
60 eighty-seven and one-half percent of the net considerations for the second and later contract  
61 years. Notwithstanding the provisions of the preceding sentence, the percentage shall be  
62 sixty-five percent of the portion of the total net consideration for any renewal contract year which  
63 exceeds by not more than two times the sum of those portions of the net considerations in all  
64 prior contract years for which the percentage was sixty-five percent;

65 (2) With respect to contracts providing for fixed scheduled considerations, minimum  
66 nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually  
67 in advance and shall be defined as for contracts with flexible considerations which are paid  
68 annually with two exceptions:

69 (a) The portion of the net consideration for the first contract year to be accumulated shall  
70 be the sum of sixty-five percent of the net consideration for the first contract year plus  
71 twenty-two and one-half percent of the excess of the net consideration for the first contract year  
72 over the lesser of the net considerations for the second and third contract years;

73 (b) The annual contract charge shall be the lesser of thirty dollars or ten percent of the  
74 gross annual consideration;

75 (3) With respect to contracts providing for a single consideration, minimum  
76 nonforfeiture amounts shall be defined as for contracts with flexible considerations except that  
77 the percentage of net consideration used to determine the minimum nonforfeiture amount shall  
78 be equal to ninety percent, and the net consideration shall be the gross consideration less a  
79 contract charge of seventy-five dollars;

80 (4) Notwithstanding any other provision of this subsection, for any contract issued on  
81 or after July 1, 2002, and before July 1, 2006, the interest rate at which net considerations, prior  
82 withdrawals, and partial surrenders shall be accumulated, for the purpose of determining  
83 minimum nonforfeiture amounts, shall be one and one-half percent per annum.

84 4. Any paid-up annuity benefit available under a contract shall be such that its present  
85 value on the date annuity payments are to commence is at least equal to the minimum

86 nonforfeiture amount on that date. Such present value shall be computed using the mortality  
87 table, if any, and the interest rate specified in the contract for determining the minimum paid-up  
88 annuity benefits guaranteed in the contract.

89         5. For contracts which provide cash surrender benefits, such cash surrender benefits  
90 available prior to maturity shall not be less than the present value as of the date of surrender of  
91 that portion of the maturity value of the paid-up annuity benefit which would be provided under  
92 the contract at maturity arising from considerations paid prior to the time of cash surrender  
93 reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of  
94 the contract, such present value being calculated on the basis of an interest rate not more than  
95 one percent higher than the interest rate specified in the contract for accumulating the net  
96 considerations to determine such maturity value, decreased by the amount of any indebtedness  
97 to the company on the contract, including interest due and accrued, and increased by any existing  
98 additional amounts credited by the company to the contract. In no event shall any cash surrender  
99 benefit be less than the minimum nonforfeiture amount at that time. The death benefit under  
100 such contracts shall be at least equal to the cash surrender benefit.

101         6. For contracts which do not provide cash surrender benefits, the present value of any  
102 paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not  
103 be less than the present value of that portion of the maturity value of the paid-up annuity benefit  
104 provided under the contract arising from considerations paid prior to the time the contract is  
105 surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being  
106 calculated for the period prior to the maturity date on the basis of the interest rate specified in  
107 the contract for accumulating the net considerations to determine such maturity value, and  
108 increased by any existing additional amounts credited by the company to the contract. For  
109 contracts which do not provide any death benefits prior to the commencement of any annuity  
110 payments, such present values shall be calculated on the basis of such interest rate and the  
111 mortality table specified in the contract for determining the maturity value of the paid-up annuity  
112 benefit. However, in no event shall the present value of a paid-up annuity benefit be less than  
113 the minimum nonforfeiture amount at that time.

114         7. For the purpose of determining the benefits calculated under subsections 5 and 6 of  
115 this section, in the case of annuity contracts under which an election may be made to have  
116 annuity payments commence at optional maturity date, the maturity date shall be deemed to be  
117 the latest date for which election shall be permitted by the contract, but shall not be deemed to  
118 be later than the anniversary of the contract next following the annuitant's seventieth birthday or  
119 the tenth anniversary of the contract, whichever is later.

120         8. Any contract which does not provide cash surrender benefits or does not provide death  
121 benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any

122 annuity payments shall include a statement in a prominent place in the contract that such benefits  
123 are not provided.

124 9. Any paid-up annuity, cash surrender or death benefits available at any time, other than  
125 on the contract anniversary under any contract with fixed scheduled considerations, shall be  
126 calculated with allowance for the lapse of time and the payment of any scheduled considerations  
127 beyond the beginning of the contract year in which cessation of payment of considerations under  
128 the contract occurs.

129 10. For any contract which provides, within the same contract by rider or supplemental  
130 contract provision, both annuity benefits and life insurance benefits that are in excess of the  
131 greater of cash surrender benefits or a return of the gross considerations with interest, the  
132 minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits  
133 for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance  
134 portion computed as if each portion were a separate contract. Notwithstanding the provisions  
135 of subsections 4, 5, 6, 7, and 9 of this section, additional benefits payable in the event of total and  
136 permanent disability, as reversionary annuity or deferred reversionary annuity benefits, or as  
137 other policy benefits additional to life insurance, endowment and annuity benefits, and  
138 considerations for all such additional benefits, shall be disregarded in ascertaining the minimum  
139 nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required  
140 by this section. The inclusion of such additional benefits shall not be required in any paid-up  
141 benefits, unless such additional benefits separately would require minimum nonforfeiture  
142 amounts, paid-up annuity, cash surrender and death benefits.

143 11. After September 28, 1979, any company may file with the director a written notice  
144 of its election to comply with the provisions of this section after a specified date before  
145 September 28, 1981. After the filing of such notice, then upon such specified date, which shall  
146 be the operative date of this section for such company, this section shall become operative with  
147 respect to annuity contracts thereafter issued by such company. If a company makes no such  
148 election, the operative date of this section for such company shall be September 28, 1981.

149 12. The provisions of this section shall [expire on] **not apply to any new contract**  
150 **entered into after** July 1, 2006.

488.5345. In case of any prisoner confined in any jail in this state on a charge of felony  
2 being in want of needful and necessary clothing, it shall be the duty of the jailer to procure the  
3 same, and to present his or her account therefor to the court having criminal jurisdiction for the  
4 county; and on such court being satisfied of the correctness of such account, shall certify the  
5 same for payment [as provided in section 221.140, RSMo,] as other costs in criminal cases, to  
6 the state [auditor].

537.675. 1. As used in sections 537.675 through 537.693, the following terms mean:

- 2 (1) "Annual claims", that period of time commencing on the first day of January of every  
3 year after December 31, 2002, and ending on the last day of that calendar year;
- 4 (2) "Commission", the labor and industrial relations commission;
- 5 (3) "Division", the division of workers' compensation;
- 6 (4) ["Initial claims period", that period commencing on August 28, 2001, and ending on  
7 December 31, 2002;
- 8 (5)] "Punitive damage final judgment", an award for punitive damages excluding interest  
9 that is no longer subject to review by courts of this state or of the United States;
- 10 [(6)] (5) "Uncompensated tort victim", a person who:
- 11 (a) Is a party in a personal injury or wrongful death lawsuit; or is a tort victim whose  
12 claim against the tort-feasor has been settled for the policy limits of insurance covering the  
13 liability of such tort-feasor and such policy limits are inadequate in light of the nature and extent  
14 of damages due to the personal injury or wrongful death;
- 15 (b) Unless described in paragraph (a) of this subdivision:
- 16 a. Has obtained a final monetary judgment in that lawsuit described in paragraph (a) of  
17 this subdivision against a tort-feasor for personal injuries, or wrongful death in a case in which  
18 all appeals are final;
- 19 b. Has exercised due diligence in enforcing the judgment; and
- 20 c. Has not collected the full amount of the judgment;
- 21 (c) Is not a corporation, company, partnership or other incorporated or unincorporated  
22 commercial entity;
- 23 (d) Is not any entity claiming a right of subrogation;
- 24 (e) Was not on house arrest and was not confined in any federal, state, regional, county  
25 or municipal jail, prison or other correctional facility at the time he or she sustained injury from  
26 the tort-feasor;
- 27 (f) Has not pleaded guilty to or been found guilty of two or more felonies, where such  
28 two or more felonies occurred within ten years of the occurrence of the tort in question, and  
29 where either of such felonies involved a controlled substance or an act of violence; and
- 30 (g) Is a resident of the state of Missouri or sustained personal injury or death by a tort  
31 which occurred in the state of Missouri.
- 32 2. There is created the "Tort Victims' Compensation Fund". Unexpended moneys in the  
33 fund shall not lapse at the end of the biennium as provided in section 33.080, RSMo.
- 34 3. Any party receiving a judgment final for purposes of appeal for punitive damages in  
35 any case filed in any division of any circuit court of the state of Missouri shall notify the attorney  
36 general of the state of Missouri of such award, except for actions claiming improper health care  
37 pursuant to chapter 538, RSMo. The state of Missouri shall have a lien for deposit into the tort

38 victims' compensation fund to the extent of fifty percent of the punitive damage final judgment  
39 which shall attach in any such case after deducting attorney's fees and expenses. In each case,  
40 the attorney general shall serve a lien notice by certified mail or registered mail upon the party  
41 or parties against whom the state has a claim for collection of its share of a punitive damage final  
42 judgment. On a petition filed by the state, the court, on written notice to all interested parties,  
43 shall adjudicate the rights of the parties and enforce the lien. The lien shall not be satisfied out  
44 of any recovery until the attorney's claim for fees and expenses is paid. The state can file its lien  
45 in all cases where punitive damages are awarded upon the entry of the judgment final for  
46 purposes of appeal. The state cannot enforce its lien until there is a punitive damage final  
47 judgment. Cases resolved by arbitration, mediation or compromise settlement prior to a punitive  
48 damage final judgment are exempt from the provisions of this section. Nothing in this section  
49 shall hinder or in any way affect the right or ability of the parties to any claim or lawsuit to  
50 compromise or settle such claim or litigation on any terms and at any time the parties desire.

51 4. The state of Missouri shall have no interest in or right to intervene at any stage of any  
52 judicial proceeding pursuant to this section, except to enforce its lien rights as provided in  
53 subsection 3 of this section.

54 5. Twenty-six percent of all payments deposited into the tort victims' compensation  
55 fund[,] **and** all interest accruing on the principal regardless of source or designation[, and any  
56 moneys remaining in the legal services for low-income people fund as of August 28, 2008,] shall  
57 be transferred to the basic civil legal services fund established in section 477.650, RSMo.  
58 Moneys in the tort victims' compensation fund shall not be used to pay any portion of a refund  
59 mandated by article X, section 18 of the constitution.

537.684. 1. A claim for compensation may be filed by a person eligible for  
2 compensation or, if the person is an incapacitated or disabled person, or a minor, by the person's  
3 spouse, parent, conservator or guardian.

4 2. A claim shall be filed not later than two years after the judgment upon which it is  
5 based becomes final and all appeals are final[, except with regard to the initial claims period].  
6 If there is no judgment, claims must be filed within time limits prescribed pursuant to section  
7 516.120, RSMo, except for cases resulting in death, in which case claims must be filed within  
8 time limits prescribed pursuant to section 537.100[, except with regard to the initial claims  
9 period. With regard to the initial claims period, any claim may be filed that is based upon a  
10 judgment that is not expired or that is based upon a claim not reduced to judgment for a reason  
11 allowed by subsection 2 of section 537.678, and which would not be barred by the applicable  
12 statute of limitations if the tort-feasor could be served with process or had not taken bankruptcy].

13 3. Each claim shall be filed in person or by mail. The division shall investigate such  
14 claim prior to the opening of formal proceedings. The director of the division shall assign an

15 administrative law judge, associate administrative law judge or legal advisor within the division  
16 to hear any claim for compensation filed. The claimant shall be notified of the date and time of  
17 any hearing on the claim. In determining the amount of compensation for which a claimant is  
18 eligible, the division shall:

19 (1) Consider the facts stated on the application filed pursuant to section 537.678;

20 (2) Obtain a copy of the final judgment, if any, from the appropriate court;

21 (3) Determine the amount of the loss to the claimant, or the victim's survivors or  
22 dependents; and

23 (4) If there is no final judgment, determine the degree or extent to which the victim's acts  
24 or conduct provoked, incited or contributed to the injuries or death of the victim.

25 4. The claimant may present evidence and testimony on his or her own behalf or may  
26 retain counsel.

27 5. Prior to any hearing, the person filing a claim shall submit reports, if available, from  
28 all hospitals, physicians or surgeons who treated or examined the victim for the injury for which  
29 compensation is sought. If, in the opinion of the division, an examination of the injured victim  
30 or a report on the cause of death of the victim would be of material aid, the division may appoint  
31 a duly qualified, impartial physician to make an examination and report. A finding of the judge  
32 or jury in the underlying case shall be considered as evidence.

33 6. Each and every payment shall be exempt from attachment, garnishment or any other  
34 remedy available to creditors for the collection of a debt, provided however, this section shall  
35 not in any way affect the right of any attorney who represents or represented any claimant to  
36 collect any fee or expenses to which he or she is entitled.

37 7. Payments of compensation shall not be made directly to any person legally  
38 incompetent to receive them but shall be made to the parent, guardian or conservator for the  
39 benefit of such minor, disabled or incapacitated person.

40 8. **For** payment of all claims from the fund [shall be made on the following basis, to wit:

41 (1) With regard to all claims that are made during the initial claims period, the division  
42 shall determine the aggregated amount of all awards made on these claims. Such determination  
43 shall be made on or before June 30, 2003. If the aggregate value of the awards does not exceed  
44 the total amount of money in the fund, then the awards shall be paid in full on or before  
45 September 30, 2003. If the aggregate value of the awards does exceed the total amount of money  
46 in the fund, then the awards shall be paid on a pro rata basis on or before September 30, 2003;

47 (2) With regard to all claims that are made after the initial claims period], the division  
48 shall determine the aggregate amount of all awards made on those claims filed during an annual  
49 claims period. Such determination shall be made on or before the thirtieth day of June in the  
50 next succeeding year. If the aggregate value of the awards does not exceed the total amount of

51 money in the fund, then the awards shall be paid in full on or before the thirtieth day of  
52 September in the next succeeding year. If the aggregate value of the awards does exceed the total  
53 amount of money in the fund, then the awards shall be paid on a pro rata basis on or before the  
54 thirtieth day of September in the next succeeding year.

55 9. If there are no funds available, then no claim shall be paid until funds have  
56 accumulated in the tort victims' compensation fund and have been appropriated to the division  
57 for payment to uncompensated tort victims. When sufficient funds become available for  
58 payment of claims of uncompensated tort victims, awards that have been determined but have  
59 not been paid shall be paid in chronological order with the oldest paid first, based upon the date  
60 on which the application was filed with the division. Any award pursuant to this subsection that  
61 cannot be paid due to a lack of funds appropriated for payment of claims of uncompensated tort  
62 victims shall not constitute a claim against the state.

63 10. In the event there are no funds available for payment of claims, then the division may  
64 suspend all action related to valuing claims and granting awards until such time as funds in  
65 excess of one hundred thousand dollars have accumulated in the tort victims' compensation fund,  
66 at which time the division shall resume its claim processing duties.

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

6 2. [The office of director of the department of business and administration, chapter 35,  
7 RSMo, and others, is abolished and all powers, duties, personnel and property of that office, not  
8 previously reassigned by executive reorganization plan no. 1 of 1973 as submitted by the  
9 governor pursuant to chapter 26, RSMo, are transferred by type I transfer to the director of the  
10 department of economic development. The department of business and administration is hereby  
11 abolished.

12 3. The duties and responsibilities relating to subsection 2 of section 35.010, RSMo, are  
13 transferred by type I transfer to the personnel division, office of administration.

14 4.] The powers, duties and functions vested in the public service commission, chapters  
15 386, 387, 388, 389, 390, 392, and 393, RSMo, and others, and the administrative hearing  
16 commission, sections 621.015 to 621.198, RSMo, and others, are transferred by type III transfers  
17 to the department of economic development. The director of the department is directed to  
18 provide and coordinate staff and equipment services to these agencies in the interest of  
19 facilitating the work of the bodies and achieving optimum efficiency in staff services common  
20 to all the bodies. Nothing in the Reorganization Act of 1974 shall prevent the chairman of the

21 public service commission from presenting additional budget requests or from explaining or  
22 clarifying its budget requests to the governor or general assembly.

23 [5.] 3. The powers, duties and functions vested in the office of the public counsel are  
24 transferred by type III transfer to the department of economic development. Funding for the  
25 general counsel's office shall be by general revenue.

26 [6.] 4. The public service commission is authorized to employ such staff as it deems  
27 necessary for the functions performed by the general counsel other than those powers, duties and  
28 functions relating to representation of the public before the public service commission.

29 [7. All the powers, duties and functions of the commerce and industrial development  
30 division and the industrial development commission, chapters 184 and 255, RSMo, and others,  
31 not otherwise transferred, are transferred by type I transfer to the department of economic  
32 development, and the industrial development commission is abolished. All powers, duties and  
33 functions of the division of commerce and industrial development and the division of community  
34 development are transferred by a type I transfer to the department of economic development, and  
35 the division of commerce and industrial development and the division of community  
36 development are abolished.

37 [8.] 5. All the powers, duties and functions vested in the tourism commission, chapter  
38 258, RSMo, and others, are transferred to the "Division of Tourism", which is hereby created,  
39 by type III transfer.

40 [9.] 6. All the powers, duties and functions of the department of community affairs,  
41 chapter 251, RSMo, and others, not otherwise assigned, are transferred by type I transfer to the  
42 department of economic development, and the department of community affairs is abolished.  
43 The director of the department of economic development may assume all the duties of the  
44 director of community affairs or may establish within the department such subunits and advisory  
45 committees as may be required to administer the programs so transferred. The director of the  
46 department shall appoint all members of such committees and heads of subunits.

47 [10.] 7. The state council on the arts, chapter 185, RSMo, and others, is transferred by  
48 type II transfer to the department of economic development, and the members of the council shall  
49 be appointed by the director of the department.

50 [11.] 8. The Missouri housing development commission, chapter 215, RSMo, is assigned  
51 to the department of economic development, but shall remain a governmental instrumentality of  
52 the state of Missouri and shall constitute a body corporate and politic.

53 [12.] 9. All the authority, powers, duties, functions, records, personnel, property, matters  
54 pending and other pertinent vestiges of the division of manpower planning of the department of  
55 social services are transferred by a type I transfer to the "Division of Job Development and  
56 Training", which is hereby created, within the department of economic development. The

57 division of manpower planning within the department of social services is abolished. The  
58 provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating  
59 to the manner and procedures for transfers of state agencies shall apply to the transfers provided  
60 in this section.

61 [13.] **10.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
62 that is created under the authority delegated in this section shall become effective only if it  
63 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
64 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of  
65 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay  
66 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then  
67 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall  
68 be invalid and void.

620.515. 1. This section shall be known and may be cited as the "Hero at Home"  
2 program, the purpose of which is to:

3 (1) Assist the spouse of an active duty national guard or reserve component service  
4 member reservist to address immediate needs and employment in an attempt to keep the family  
5 from falling into poverty while the primary income earner is on active duty, and during the  
6 one-year period following discharge from deployment; and

7 (2) Assist returning national guard troops or reserve component service member  
8 reservists with finding work in situations where an individual needs to rebuild business clientele  
9 or where an individual's job has been eliminated while such individual was deployed, or where  
10 the individual otherwise cannot return to his or her previous employment.

11 2. Subject to appropriation, the department of economic development shall operate the  
12 hero at home program through existing programs or by entering into a contract with qualified  
13 providers through local workforce investment boards. Eligibility for the program shall be based  
14 on the following criteria:

15 (1) Eligible participants in the program shall be those families where:

16 (a) The primary income earner was called to active duty in defense of the United States  
17 for a period of more than four months;

18 (b) The family's primary income is no longer available;

19 (c) The family is experiencing significant hardship due to financial burdens; and

20 (d) The family has no outside resources available to assist with such hardships;

21 (2) Services that may be provided to the family will be aimed at ameliorating the  
22 immediate crisis and providing a path for economic stability while the primary income is not  
23 available due to the active military commitment. Services shall be made available up to one year  
24 following discharge from deployment. Services may include, but not be limited to the following:

25 (a) Financial assistance to families facing financial crisis from overdue bills due to  
26 reduced income after the deployment of a spouse;

27 (b) Help paying day care costs to pursue training and or employment;

28 (c) Help covering the costs of transportation to training and or employment;

29 (d) Vocational evaluation and vocational counseling to help the individual choose a  
30 visible employment goal;

31 (e) Vocational training to acquire or upgrade skills needed to be marketable in the  
32 workforce;

33 (f) Paid internships and subsidized employment to train on the job; and

34 (g) Job placement assistance for those who don't require skills training;

35 (3) The department shall ensure the eligible providers are:

36 (a) Community-based not-for-profit agencies which have significant experience in job  
37 training, placement, and social services;

38 (b) Providers with extensive experience providing such services to veterans and  
39 implementing contracts with veteran organizations such as the department of veteran affairs;

40 (c) Providers which have attained the distinction of being accredited through a national  
41 accreditation body for training and or human services;

42 (d) Providers which are able to provide a twenty percent match to the program either  
43 through indirect or direct expenditures; and

44 (e) Providers with experience in the regions targeted for the program.

45 3. The department shall structure any contract such that payment will be based on  
46 delivering the services described in this section as well as performance to guarantee the greatest  
47 possible effectiveness of the program.

48 4. Because of the important nature of this program to the health and welfare of  
49 Missourians, this section shall become effective on July 1, 2006. The department shall make  
50 every reasonable effort to ensure that the hero at home program is serving families by August 1,  
51 2006.

52 [5. The department shall prepare a report on the operations and progress of the program  
53 to be delivered to the speaker of the house of representatives and the president pro tem of the  
54 senate no later than January 1, 2007.]

620.1023. 1. There is hereby created in the state treasury a revolving fund to be  
2 administered by the department of economic development to be known as the "Business  
3 Extension Service Team Fund". The fund shall consist of all moneys which may be appropriated  
4 to it by the general assembly, gifts, contributions, grants or bequests received from federal,  
5 private or other sources. A percentage of the moneys in such fund shall be used by the  
6 department for grants or loans for qualified community development projects in order to create

7 or retain jobs in any city not within a county, any city with a population of three hundred fifty  
8 thousand or more inhabitants which is located in more than one county, any fourth class city with  
9 a population of at least three thousand five hundred inhabitants but not more than five thousand  
10 five hundred inhabitants which is located in a county of the first classification with a charter form  
11 of government with a population of at least nine hundred thousand inhabitants, and any third  
12 class city with a population of at least three thousand inhabitants but not more than five thousand  
13 five hundred inhabitants which is located in a county of the first classification with a charter form  
14 of government with a population of at least nine hundred thousand inhabitants, and shall be  
15 targeted toward economically blighted urban districts for new businesses, expansion of existing  
16 businesses and for employee training and housing. The department may require such grants or  
17 loans to be made on a matching fund basis. Any city that receives funding from the business  
18 extension service team fund may use up to ten percent of such grant or loan for administrative  
19 costs. As used in this subdivision, "economically blighted urban districts" means areas which  
20 meet all of the following criteria:

21 (1) The area is one of pervasive poverty, unemployment, and general distress;

22 (2) The area is located wholly within an area which meets the requirements for federal  
23 assistance under Section 119 of the Housing and Community Development Act of 1974, as  
24 amended;

25 (3) At least sixty-five percent of the residents living in the area have incomes below  
26 eighty percent of the median income of all residents within the state of Missouri according to the  
27 [last decennial census] **United States Census Bureau's American Community Survey, based**  
28 **on the most recent of five-year period estimate data in which the final year of the estimate**  
29 **ends in either zero or five** or other appropriate source as approved by the director of the  
30 department of economic development;

31 (4) The resident population of the area is at least four thousand at the time of designation  
32 as an economically blighted urban district. If the population of the jurisdiction of the governing  
33 authority does not meet the minimum population requirements set forth in this subdivision, the  
34 population of the area must be at least fifty percent of the population of the jurisdiction; and

35 (5) The level of unemployment of persons, according to the most recent data available  
36 from the division of employment security or from the United States Bureau of Census and  
37 approved by the director of the department of economic development, within the area exceeds  
38 one and one-half times the average rate of unemployment for the state of Missouri over the  
39 previous twelve months, or the percentage of area residents employed on a full-time basis is less  
40 than fifty percent of the statewide percentage of residents employed on a full-time basis.

41 2. The department of economic development may use a percentage of the moneys in the  
42 fund established in subsection 1 of this section to directly contract with community development

43 corporations established pursuant to section 135.400, RSMo, for the provision of job training or  
44 for creating or retaining jobs in any area meeting the criteria outlined in subsection 1 of this  
45 section.

46 3. All moneys remaining in the business extension service team fund at the end of the  
47 fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but  
48 shall remain in the business extension service team fund.

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees  
2 imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective  
3 October 1, 1990, and shall expire December 31, 2010. Fees imposed pursuant to subsection 4  
4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall  
5 expire on December 31, 2010. The clean water commission shall promulgate rules and  
6 regulations on the procedures for billing and collection. All sums received through the payment  
7 of fees shall be placed in the state treasury and credited to an appropriate subaccount of the  
8 natural resources protection fund created in section 640.220, RSMo. Moneys in the subaccount  
9 shall be expended, upon appropriation, solely for the administration of sections 644.006 to  
10 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer  
11 district, a public water district or other publicly owned treatment works are state fees. Five  
12 percent of the fee revenue collected shall be retained by the city, public sewer district, public  
13 water district or other publicly owned treatment works as reimbursement of billing and collection  
14 expenses.

15 2. The commission may grant a variance pursuant to section 644.061 to reduce fees  
16 collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce  
17 the discharge of water contaminants substantially below the levels required by commission rules.

18 3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on the date of  
19 application and on each anniversary date of permit issuance thereafter until the permit is  
20 terminated.

21 [4. There shall be convened a joint committee appointed by the president pro tem of the  
22 senate and the speaker of the house of representatives to consider proposals for restructuring the  
23 fees imposed in sections 644.052 and 644.053. The committee shall review storm water  
24 programs, the state's implementation of the federal clean water program, storm water, and related  
25 state clean water responsibilities, and evaluate the costs to the state for maintaining the programs.  
26 The committee shall prepare and submit a report, including recommendations on funding the  
27 state clean water program, and storm water programs, to the governor, the house of  
28 representatives, and the senate no later than December 31, 2008.]

644.551. All bonds herein authorized to be issued shall be paid at maturity and all  
2 interest accruing thereon shall be paid when it falls due by the state treasurer, at a place

3 designated in the bonds and coupons attached. Thirty days before any of the bonds mature and  
4 any of the interest thereon falls due, it shall be the duty of the board of fund commissioners to  
5 draw its requisition for the amount necessary to pay such interest on the bonds and the principal  
6 of maturing bonds and the necessary expenses to be incurred in transmitting such moneys.  
7 Whereupon the commissioner of administration shall certify the amount [to the state auditor, and  
8 the state auditor shall issue his warrant upon] **and transmit the warrant to** the state treasurer  
9 **for payment from the state treasury** therefor in favor of the president of the board of fund  
10 commissioners, payable out of the water pollution control bond and interest fund; and the  
11 warrant so drawn shall be delivered to the state treasurer who shall transmit the amount of money  
12 therein specified to the paying agent named in the bonds with instructions to place such money  
13 to the credit of the board of fund commissioners for the payment of interest or principal of such  
14 bonds. Whenever in the opinion of the board of fund commissioners it is advisable to do so, and  
15 there are sufficient funds therefor, the board may redeem any of the bonds before maturity if the  
16 holders thereof agree thereto, and may also purchase any of the bonds in the open market  
17 whenever funds are available and in the opinion of the board it is to the advantage of the state  
18 to do so; but, in the event any of the bonds are redeemed before maturity, the purchase price shall  
19 not exceed the face value of said bonds plus accrued interest not previously paid.

2 [8.190. The state auditor shall allow the director on settlement for  
3 moneys legally paid out by virtue of this chapter.]

2 [21.811. 1. The joint committee on tax policy, as established in section  
3 21.810, shall review and analyze the local property tax assessment practices of  
4 this state. The committee shall make recommendations to the general assembly  
5 regarding its findings with regard to the state's assessment practices. The  
6 committee shall submit a preliminary report to the general assembly by January  
7 1, 2006, and a final report by June 30, 2006.

8 2. The committee shall report to the state tax commission any concerns  
9 it finds regarding the state's assessment practices as outlined under chapter 137,  
10 RSMo. The state tax commission shall ensure that all counties are accurately  
11 assessed, as provided by statute.]

2 [21.840. 1. There is established a joint committee of the general  
3 assembly to be known as the "Joint Committee on Preneed Funeral Contracts" to  
4 be composed of seven members of the senate and seven members of the house  
5 of representatives. The senate members of the joint committee shall be appointed  
6 by the president pro tem and minority floor leader of the senate and the house  
7 members shall be appointed by the speaker and minority floor leader of the house  
8 of representatives. The appointment of each member shall continue during the  
9 member's term of office as a member of the general assembly or until a successor  
has been appointed to fill the member's place when his or her term of office as a

10 member of the general assembly has expired. No party shall be represented by  
11 more than four members from the house of representatives nor more than four  
12 members from the senate. A majority of the committee shall constitute a  
13 quorum, but the concurrence of a majority of the members shall be required for  
14 the determination of any matter within the committee's duties.

15 2. The joint committee shall:

16 (1) Make a comprehensive study and analysis of the consumer and  
17 economic impact on the preneed funeral contract industry in the state of  
18 Missouri;

19 (2) Determine from its study and analysis the need for changes in  
20 statutory law; and

21 (3) Make any other recommendation to the general assembly relating to  
22 its findings.

23 3. The joint committee shall meet within thirty days after its creation and  
24 organize by selecting a chairperson and a vice chairperson, one of whom shall be  
25 a member of the senate and the other a member of the house of representatives.

26 4. The committee may meet at locations other than Jefferson City when  
27 the committee deems it necessary.

28 5. The committee shall be staffed by legislative personnel as is deemed  
29 necessary to assist the committee in the performance of its duties.

30 6. The members of the committee shall serve without compensation but  
31 shall be entitled to reimbursement for actual and necessary expenses incurred in  
32 the performance of their official duties.

33 7. It shall be the duty of the committee to compile a full report of its  
34 activities for submission to the general assembly. The report shall be submitted  
35 not later than January 31, 2009, and shall include any recommendations which  
36 the committee may have for legislative action as well as any recommendations  
37 for administrative or procedural changes in the internal management or  
38 organization of state or local government agencies and departments. Copies of  
39 the report containing such recommendations shall be sent to the appropriate  
40 directors of state or local government agencies or departments included in the  
41 report.

42 8. The provisions of this section shall expire on January 31, 2009.]  
43

2 [28.085. The secretary of state is hereby authorized to establish and  
3 operate a microfilm service center for local agencies participating in the local  
4 records management program. For this purpose, the secretary of state may:

5 (1) Establish a charging system to be used when performing work for an  
6 agency;

7 (2) Establish a revolving fund to recover only those direct costs for  
8 materials, personnel and equipment associated with providing service to local  
9 agencies from the microfilm service center.]

2 [30.220. It shall be the duty of the state treasurer, in all cases when he  
3 may deem it necessary so to do, to make out blank forms for such returns and  
4 reports as are required by law to be made to his office by clerks of courts and  
5 other county officers, and transmit the same to such officers, and when necessary,  
6 shall accompany the same with directions; and such officer shall make his returns  
7 and reports in conformity to such forms and directions.]

2 [31.010. 1. There are hereby established and created in the treasury  
3 department of this state the following named funds: "Missouri Veterans Home",  
4 "Missouri State Chest Hospital", "Truman State University", "Northwest  
5 Missouri State University", "Central Missouri State University", "Southeast  
6 Missouri State University", "Southwest Missouri State University", and "Lincoln  
7 University".

2 2. Upon transfer of funds from the Missouri state chest hospital fund to  
3 the board of curators of the University of Missouri pursuant to section 172.860,  
4 RSMo, the Missouri state chest hospital fund shall be abolished.]  
5  
6  
7  
8  
9  
10

2 [33.285. 1. The "Budget Stabilization Fund" is hereby created in the state  
3 treasury for use in meeting the program funding requirements of the state.

2 2. In any budget submitted to the general assembly, the governor may  
3 recommend an appropriation to the budget stabilization fund, which  
4 appropriation shall be subject to the provisions of subsection 4 of this section.  
5

2 3. Moneys in the budget stabilization fund which are not appropriated to  
3 the governor to meet program funding requirements of the state in any year shall  
4 be invested by the state treasurer in the same manner as other surplus funds are  
5 invested. Interest earned on such investments shall be credited to the budget  
6 stabilization fund, subject to the provisions of subsection 4 of this section.  
7

2 4. In the event that any amount to be transferred or credited to the budget  
3 stabilization fund in any year pursuant to subsection 2 or 3 of this section would  
4 cause the balance in the fund to exceed five percent of the receipts into the  
5 general revenue fund for the preceding fiscal year, then to the extent of such  
6 excess:  
7

2 (1) An appropriation otherwise required to be recommended pursuant to  
3 subsection 2 of this section shall be reduced; and

2 (2) Interest earnings shall be credited to the general revenue fund.

2 5. If at the close of any fiscal year the balance in the budget stabilization  
3 fund shall exceed five percent of the receipts into the general revenue fund for the  
4 same period, such excess shall be transferred to the general revenue fund on or  
5 before the tenth day of the succeeding fiscal year.  
6

2 6. The general assembly may annually appropriate to the governor  
3 amounts from the budget stabilization fund to be used as a reserve to meet budget  
4 shortfalls. In any fiscal year in which the governor reduces the expenditures of  
5 the state or any of its agencies below their appropriations in accordance with  
6

27 section 27 of article IV of the Missouri Constitution, and only during that period  
28 of time in which the general assembly is in regular or extraordinary session, the  
29 governor may authorize the commissioner of administration to transfer funds  
30 appropriated to the governor from the budget stabilization fund to fulfill the  
31 expenditures authorized by any of the existing appropriations which were  
32 affected by the governor's decision to reduce expenditures pursuant to section 27  
33 of article IV of the Missouri Constitution. Prior to making any authorization for  
34 the transfer of funds appropriated from the budget stabilization fund, the  
35 governor shall notify the general assembly of his intent to make such  
36 authorization; and, if not disapproved by concurrent resolution within thirty days  
37 of the receipt of such notice by the general assembly, such authorization shall be  
38 valid. No amount shall be expended from funds appropriated to the governor  
39 from the budget stabilization fund unless pursuant to an authorization by the  
40 governor as specified in this subsection.

41 7. Except as provided in subsection 4 of this section, any amount  
42 appropriated to the governor from the budget stabilization fund and not expended  
43 at the end of any fiscal year shall revert to the fund and balances remaining in the  
44 budget stabilization fund at the close of any fiscal year shall not be subject to the  
45 provisions of section 33.080.

46 8. The general assembly shall not appropriate moneys from the budget  
47 stabilization fund without authorization from the governor.]  
48

[33.571. 1. The attorney general's court costs fund established by section  
2 27.080, RSMo; the microfilming service revolving fund established by section  
3 28.085, RSMo; the central check mailing service revolving fund established by  
4 section 30.245, RSMo; the revenue sharing trust fund established by section  
5 30.900, RSMo; the Missouri veterans home fund and the Missouri state  
6 rehabilitation center fund established by section 31.010, RSMo; the state  
7 institutions gift trust fund established by section 33.563; the Missouri state  
8 surplus property clearing fund established by section 37.090, RSMo; the tort  
9 defense fund established by section 105.710, RSMo; the grade crossing fund  
10 established by section 152.032, RSMo; the handicapped children's trust fund  
11 established by section 162.790, RSMo; the state guaranty student loan fund  
12 established by section 173.120, RSMo; the special fund for the vocational  
13 rehabilitation of persons established by section 178.630, RSMo; the library  
14 service fund established by section 181.025, RSMo; the medical services fund  
15 established by section 192.255, RSMo; the crippled children's service fund  
16 established by section 201.090, RSMo; the Missouri clean water fund established  
17 by section 644.051, RSMo; the housing development fund established by section  
18 215.050, RSMo; the national historic preservation fund established by section  
19 253.022, RSMo; the state park board building fund established by section  
20 253.230, RSMo; the Missouri federal water projects recreation fund established  
21 by section 640.510, RSMo; the marketing development fund established by

22 section 261.035, RSMo; the state fair fees fund established by section 262.260,  
23 RSMo; the state fair trust fund established by section 262.262, RSMo; the  
24 abandoned fund account established by section 362.395, RSMo; the public  
25 service commission fund established by section 386.370, RSMo; the escheats  
26 fund established by section 470.020, RSMo; the professional liability review  
27 board fund established by section 538.055, RSMo; and the highway patrol  
28 academy fund established by section 590.145, RSMo, are abolished. All balances  
29 in any of those funds on September 28, 1983, may be, as deemed necessary by the  
30 state treasurer and commissioner of administration, transferred to the general  
31 revenue fund. Prior to such date, any of the funds listed in this section which  
32 may be determined to be required for the continued custody or receipt of money  
33 or property under the terms of any testamentary instrument or indenture of trust,  
34 or from which repayment of any bonded indebtedness is to be made, shall be  
35 certified by the commissioner of administration to the state treasurer and upon  
36 such certification, shall be exempted from the provisions of this section. He shall  
37 notify the revisor of statutes if such changes are made so that appropriate  
38 notations may be made in the revised statutes.

39 2. The state treasurer and the commissioner of administration shall  
40 establish appropriate accounts within the state treasury and in accordance with  
41 the state's accounting methods, and those accounts shall be the successors to the  
42 enumerated funds. Any receipt required to be deposited in the treasury to the  
43 credit of a particular fund which is abolished shall be deposited in the general  
44 revenue fund instead and shall be credited to the successor account. Any  
45 disbursement required to be made from a particular fund which is abolished shall  
46 be made from the general revenue fund and shall be charged to the successor  
47 account, but no disbursement from the general revenue fund shall be approved  
48 whenever such disbursement exceeds the balance available in the designated  
49 successor account. When enacting appropriations, the general assembly may  
50 establish such accounts within the general revenue fund as it deems necessary and  
51 appropriate to control expenditures, and any appropriation authorizing an  
52 expenditure from the general revenue fund shall specify the appropriate account  
53 within the general revenue fund.

54 3. The state treasurer, the director of revenue, the commissioner of  
55 administration and others are specifically empowered to make necessary changes  
56 and adjustments so as to properly reflect state receipts and disbursements which  
57 may be received or expended for particular purposes, but it is the intent of the  
58 general assembly by this enactment to transfer moneys affected thereby to the  
59 general revenue fund for handling and investment. The revisor of statutes shall  
60 prepare necessary bills to change the revised statutes so as to reflect this intent.]

61

2 [33.577. There is hereby established within the state treasury a fund to  
3 be known as the "Cash Operating Reserve Fund". The following moneys shall  
be transferred to or credited to the cash operating reserve fund:

4 (1) An amount equivalent to the nonrecurring general revenues collected  
5 by the provisions of section 144.081, RSMo, acceleration in general revenue fund  
6 sales tax receipts, and section 144.087, RSMo, deposit of cash bonds, or  
7 thirty-four million dollars, whichever is less. The amount provided by this  
8 section will be deposited in the cash operating reserve fund prior to June 30,  
9 1985; and

10 (2) Such amounts as may be appropriated by the general assembly or  
11 otherwise credited to the cash operating reserve fund. The commissioner of  
12 administration may, throughout any fiscal year, transfer amounts from the cash  
13 operating reserve fund to the general revenue fund without other legislative  
14 action if he determines that such transfers are necessary for the cash requirements  
15 of the state. The commissioner shall transfer from the general revenue fund to  
16 the reserve an amount equal to the amount transferred from the reserve to the  
17 general revenue fund, but in any case the transfer must be made prior to May first  
18 of the fiscal year. No transfer out of the cash reserve may be made during May  
19 or June of any fiscal year. The balance in the reserve on May first of each fiscal  
20 year shall not be less than the sum of the opening balance of the reserve for that  
21 fiscal year plus accrued interest earned. Funds in the reserve which are not  
22 needed for current cash requirements of the state shall be invested by the  
23 treasurer in the same manner as other surplus funds are invested.]  
24

2 [34.065. Where, because of the large number of possible bidders for a  
3 particular purchase, it is impractical to submit a request for a bid to all possible  
4 bidders each time a bid is requested, request shall be made in rotation pursuant  
5 to the regulation of the commissioner of administration so as ultimately to  
6 include all the possible bidders, except that recognized competitive bidders shall  
7 be solicited in each instance.]

2 [34.130. On or before May first of each year, each department shall  
3 submit to the commissioner of administration a classified list of its estimated  
4 needs for supplies for the following fiscal year. The commissioner of  
5 administration shall consolidate these and may purchase the entire amount or  
6 such part thereof at one time as he shall deem best. Any contract for such  
7 purchases may provide only the price at which the supplies needed during the  
8 year shall be purchased and that the supplies shall be delivered in such amounts  
9 and at such times as ordered throughout the year and be paid for at such time and  
10 for such amounts as delivered. In such case, certification from the commissioner  
11 of administration and the auditor shall be required only for the amount ordered  
12 at any time.]

2 [57.130. 1. The sheriffs of the several counties shall collect and account  
3 for all the fines, penalties, forfeitures and other sums of money, by whatever  
name designated, accruing to the state or any county by virtue of any order,

4 judgment or decree of a court of record, provided that by court rule provision may  
5 be made for a court clerk to collect fines, penalties, forfeitures and other sums of  
6 money accruing to the state by virtue of any order, judgment or decree of the  
7 court.

8 2. The provisions of this section shall expire and be of no force and effect  
9 on and after July 1, 2007.]

10

2 [60.461. No coordinates based on either Missouri coordinate system  
3 purporting to define the position of a point on a land boundary shall be presented  
4 to be recorded in any public land records or deed records unless the point is  
5 within one kilometer of a horizontal control station established in conformity  
6 with the standards prescribed in section 60.451; except that, such one kilometer  
7 limitation may be modified by the department of natural resources to meet local  
8 conditions.]

8

2 [71.240. Whenever any person or corporation interested in any town or  
3 city in this state may desire to vacate any lot, street, alley, common, public square  
4 or part thereof, in such town or city, such person or corporation may petition the  
5 county commission for the proper county, giving a distinct description of the  
6 property to be vacated, and the names of the persons to be affected thereby;  
7 which petition shall be filed with the clerk of said commission thirty days  
8 previous to the sitting thereof, and notice of the pendency of said petition shall  
9 be given for the same space of time, either in a public newspaper printed in said  
10 town, or by written notices thereof and set up in three of the most public places  
11 in said town or city.]

11

2 [71.730. All cities in this state are hereby empowered to provide by  
3 ordinance for the inspection, while living, of all animals intended as human food,  
4 within such cities.]

4

2 [71.750. The legislative bodies of all incorporated cities, towns and  
3 villages are hereby empowered to pass, alter, amend and repeal ordinances to  
4 regulate the hours of closing of barber shops and beauty shops.]

4

2 [71.970. 1. Municipalities may own and operate cable television  
3 facilities on a nondiscriminatory, competitively neutral basis, and at a price which  
4 covers costs, including imputed costs that the political subdivision would incur  
5 if it were a for-profit business. No municipality may own or operate cable  
6 television facilities and services unless approved by a vote of the people. This  
7 section shall apply only to municipalities that acquire or construct cable  
8 television facilities and services after August 28, 2002.

8                   2. The public service commission shall annually study the economic  
9 impact of the provisions of this section and prepare and submit a report to the  
10 general assembly by December thirty-first of each year.

11                   3. The provisions of this section shall terminate on August 28, 2007.]

12

2                   [94.030. The city council shall, within a reasonable time after the  
3 assessor's books of each year are returned, ascertain the amount of money to be  
4 raised thereon for general and other purposes, and fix the annual rate of levy  
5 therefor by ordinance.]

5

2                   [94.210. The board of aldermen shall, within a reasonable time after the  
3 assessor's books of each year are returned, ascertain the amount of money to be  
4 raised thereon for general and other purposes, and fix the annual rate of levy  
5 therefor by ordinance.]

5

2                   [95.365. No money shall be paid out of the treasury except on a warrant  
3 signed by the mayor and attested by the city clerk. No warrant shall be drawn  
4 upon the treasurer, nor shall any ordinance appropriating money be passed, unless  
5 there is an unexpended balance to the credit of the city in the fund in the treasury  
6 upon which such warrant is drawn, to meet such warrant, or a sufficient sum of  
7 unappropriated money in the fund in the treasury upon which such ordinance is  
8 drawn, to meet such ordinance. Every bill that contemplates the payment of  
9 money shall, upon its second reading, be referred to the treasurer, or the person  
10 acting as treasurer, for his endorsement, to the effect that a sufficient sum stands  
11 to the credit of the city, unappropriated, in the fund covered by such ordinance,  
12 to meet the requirements of such bill. The treasurer shall report to the board of  
13 aldermen, on or before the first day of July in each year, the amount of receipts  
14 and expenditures of the treasury, the amount of money on hand, and the amount  
15 of bonds falling due, if any, for the redemption of which provision must be made;  
16 also, the amount of interest to be paid during the next fiscal year. He shall also  
17 perform such other duties in the line of his office as may be required of him by  
18 ordinance. The report of the treasurer may be published if deemed necessary by  
19 the board of aldermen.]

19

2                   [96.300. The mayor and board of aldermen of cities of the third class in  
3 this state may acquire property for homes for orphan children and the children of  
4 indigent parents, by gift, and may improve and maintain the same as such public  
5 institutions.]

5

2                   [96.310. 1. When one hundred voters of any city of the third class shall  
3 petition the mayor and legislative branch of the municipal government, asking  
4 that an annual tax be levied for the maintenance of a home for orphan children  
and the children of indigent parents, and shall specify in the petition a rate of

4

5 taxes not to exceed one mill on the dollar annually on all property in the city,  
6 such mayor by direction of the legislative branch of the municipal government  
7 shall submit the question to the voters.

8 2. The question shall be submitted in substantially the following form:  
9 Shall there be a tax for a children's home?

10 3. The tax specified shall be levied and collected and shall be known as  
11 the "children's home funds".

12 4. If a majority of voters in the city, voting on the question, vote to  
13 terminate the tax, the tax shall terminate.

14 5. In case of an increase in valuation in any year of the taxable property  
15 within such incorporated city, the council of such city may reduce the levy herein  
16 provided for by levying a tax for the maintenance of said orphans' home which  
17 in the judgment of said common council shall be sufficient for the maintenance  
18 of the orphans' home throughout the year, but in no case shall the tax so levied  
19 for any one year by the common council exceed ten percent more than the tax of  
20 the previous year.]

21  
2 [96.320. When any incorporated city of the third class shall have  
3 received, by gift or otherwise, a home for the care of orphan children or the  
4 children of indigent parents, which shall be known as "the children's home", the  
5 mayor of such city shall, with the approval of the legislative branch of the  
6 municipal government of such city, proceed to appoint a board of nine directors  
7 for the same, chosen from the residents at large, with reference to their fitness to  
8 such office; and no member of the municipal government shall be a member of  
9 said board.]

2 [96.330. Said directors shall hold office, one-third one year, one-third  
3 two years and one-third for three years, from the first of June following the  
4 appointment and at their first regular meeting shall cast lots for their respective  
5 terms; and annually thereafter, the mayor shall, before the first of June, of each  
6 year, appoint as before, three directors, who shall hold office for three years and  
7 until their successors are appointed and qualified. The mayor may, by and with  
8 the consent of the legislative department, remove any director for misconduct or  
9 neglect of duty.]

2 [96.340. Said directors shall, immediately after appointment, meet and  
3 organize by the election of one of their number president, and by the election of  
4 such other officers as they may deem necessary. They shall make and adopt such  
5 bylaws, rules and regulations for their own guidance and for the management and  
6 control of the children's home as may be expedient and not inconsistent with  
7 sections 96.300 to 96.380 and to that end may employ such persons as may be  
8 necessary for said purpose. They shall have exclusive control of all moneys  
9 collected to the credit of the children's home fund and all of the supervision, care

9 and custody of said home; provided, that all moneys received for such home shall  
10 be deposited in the treasury of said city to the credit of the children's home fund  
11 and shall be kept separate and apart from other moneys of such city and drawn  
12 upon by the proper officers of said city upon the properly authenticated vouchers  
13 of the children's home board; said board shall have power to appoint a suitable  
14 person to take charge of the management and control of said home, and all  
15 necessary assistants for such person and fix their compensation and shall have  
16 power to remove such appointees and shall in general carry out the spirit and  
17 intent of sections 96.300 to 96.380, in establishing and maintaining a home for  
18 orphan children and the children of indigent parents.]  
19

2 [96.350. The board of directors shall have power to make all necessary  
3 rules and regulations for the admission of children to said home, but no child  
4 shall be admitted thereto who has not been a bona fide resident of said city for a  
5 period of not less than three months next immediately preceding his admission  
6 to said home, and in the admission of children, preference shall be given to those  
7 whose parents are both dead or who have abandoned them; provided, that no  
8 religious or sectarian requirement shall ever be made for such admission.]

2 [96.360. The board of directors shall have power to fix and maintain such  
3 charges as they deem proper for the admission and retention of children in said  
4 home, to the end that parents who are able to contribute to the support of their  
5 children may be required to do so, according to their ability.]

2 [96.370. The said board of directors shall make, on or before the second  
3 Monday in June, an annual report to the city council, stating the condition of said  
4 home on the first day of May of that year, the various sums of money received  
5 from the children's home fund and from other sources, and how such moneys  
6 have been expended and for what purposes, with such other statistics,  
7 information and suggestions as they may deem of general interest. All such  
8 portions of said report as relate to the receipt and expenditure of money shall be  
9 verified by affidavit.]

2 [96.380. Any person desiring to make donations of money, personal  
3 property or real estate, for the benefit of such orphan children or the children of  
4 indigent parents, of such city, shall have a right to vest the title to the money or  
5 real estate so donated in the board of directors created under sections 96.300 to  
6 96.380, to be held and controlled by such board, when accepted, according to the  
7 terms of the deed, gift, devise or bequest of such property; and as to such  
8 property, the said board shall be held and considered to be special trustees.]

2 [99.799. 1. The joint committee on tax policy shall conduct a study of  
the feasibility of creating a program to allow municipalities within the state to

3 engage in tax increment finance-like projects with optional tax abatement in any  
4 area of such municipality regardless of the existence of blight. The committee  
5 shall report its findings to the general assembly no later than December 31, 2007.

6 2. The provisions of this section shall expire on January 1, 2008.]  
7

2 [105.140. It shall be the duty of the town, city and county officers in this  
3 state, when called upon by the state auditor to do so, to report, on blanks  
4 furnished by the state auditor, statistical information concerning dramshops, wine  
5 and beer saloons, costs in criminal cases, salaries paid county officers, costs of  
6 assessing and collecting the revenue, the debts of counties and cities, and such  
7 other information as will be of general interest when published. The state auditor  
8 shall prepare and cause to be printed proper blanks for carrying the provisions of  
9 this section into effect, and shall supply the proper officers with such blanks once  
10 in each year; and the officer required to fill up said blanks shall do so within  
11 thirty days, and forward the same to the state auditor, who shall tabulate the  
12 information, and publish such part of the same in his biennial report to the  
13 general assembly as he may deem of importance. Any person failing or refusing  
14 to comply with the provisions of this section shall be deemed guilty of a  
15 misdemeanor, and on conviction shall be fined in any sum not less than twenty  
16 dollars nor more than one hundred dollars.]

2 [105.983. The ethics commission shall study methods to improve the  
3 regulation of persons and organizations that conduct or utilize political telephone  
4 solicitations. The commission shall issue a report containing recommendations  
5 to the general assembly no later than January 1, 2007.]

2 [135.431. 1. The department of economic development shall identify  
3 active community development corporations operating within the state and assist  
4 them in the formation of a Missouri community development corporation  
5 association. The department shall assist the community development corporation  
6 association in an amount up to ten percent of its total appropriation for  
7 community development corporations to cover the cost associated with the  
8 activities of the association. The association shall serve as a clearinghouse for  
9 information for community development corporations. The association shall help  
10 staff members of community development corporations develop administrative  
11 skills in such areas as entrepreneurial development, grant writing, real estate  
12 analysis, financial deals structuring, negotiations, human resource development,  
13 strategic planning and community needs assessment. The association shall  
14 sponsor conferences which allow community development corporations to learn  
15 about community development activities statewide and at the federal level.

16 2. The Missouri community development corporation association shall  
17 be funded by dues assessed against participating community development  
corporations. The association shall adopt, alter or repeal its own bylaws, rules

18 and regulations governing the manner in which its business may be transacted;  
19 elect officers; make expenditures which are incidental and necessary to carry out  
20 its purposes and powers; and do all things necessary to ensure full participation  
21 by Missouri community development corporations in any federal program  
22 relating to community development needs.]  
23

2 [135.433. 1. The department of economic development shall establish  
3 a public-private partnership to be known as the "Missouri Community  
4 Development Corporation Initiative". The initiative shall be supported by  
5 appropriations made to the department for that purpose and from federal funds  
6 and private corporations. All moneys for the operation of the initiative shall be  
7 deposited into the community development fund as established by section  
8 135.401.

9 2. The initiative shall support the organizational development of  
10 community development corporations. Its purpose is to help these corporations  
11 initiate and develop strategies which generate beneficial self-sustaining economic  
12 and human development activities in minority and underdeveloped communities.  
13 It shall use public and private dollars to identify community development  
14 corporations appropriate for assistance, to administer a grants process, to offer  
15 bridge financing, and to lend technical assistance in numerous areas including the  
16 construction of affordable housing and the development of commercial real  
17 estate. Funding from the initiative to community development corporations may  
18 be in the following forms:

- 18 (1) Operational grants;
- 19 (2) Special opportunity grants;
- 20 (3) Gap financing for single and multifamily housing, office space,  
21 industrial space, plants and equipment, child care facilities, and small business  
22 incubators or entrepreneurial development;
- 23 (4) Bridge loans for emergency needs;
- 24 (5) Initial programs for emerging community development corporations  
25 to complete their first projects;
- 26 (6) Certificate of deposit loan leveraging programs to leverage loans  
27 made to community development corporations by financial institutions for land  
28 acquisition and construction; and
- 29 (7) Other financing programs which the initiative deems to be  
30 appropriate.]  
31

2 [137.118. Notwithstanding any other provision of law to the contrary, to  
3 replace any lost revenues due to the change in the percentages of the true value  
4 in money used in determining the assessed valuation of livestock and farm  
5 machinery, any taxing authority may adjust its 1989 tax rate ceiling without voter  
approval to the extent necessary to generate the same property tax revenue as was

6 produced in the previous year from property taxes on livestock and farm  
7 machinery subject to taxation by such taxing authority.]  
8

2 [137.286. Notwithstanding any other law to the contrary, taxing districts  
3 or political subdivisions which first levied an ad valorem property tax pursuant  
4 to an election held in April, 1985, or in June, 1985, shall base tax levies on the  
5 property valuations established in 1985 and shall not roll back rates based on a  
6 tax rate ceiling calculated on 1984 property valuations.]

2 [142.821. The exemption for motor fuel sold within an Indian reservation  
3 or Indian country under section 142.815 shall be administered as follows:

3 (1) At the discretion of the director the exemption from taxation set forth  
4 in this section shall be administered as set out in either paragraph (a) or (b) of this  
5 subdivision. In the event a court of competent jurisdiction should strike down,  
6 enjoin, or issue any form of temporary restraining order against either paragraph  
7 (a) or (b) of this subdivision, then the remaining paragraph shall immediately  
8 become effective and shall be administered by the director. The two alternative  
9 methods are as follows:

10 (a) The tribal member shall apply for a refund with respect to the motor  
11 fuel purchased in this state for consumption within Indian country in this state as  
12 to which the tax imposed by this chapter has previously been paid and no refund  
13 previously issued; or

14 (b) The director shall determine, by the procedure set out herein, the  
15 annual probable demand for motor fuel for consumption by tribal members  
16 within Indian country for each ultimate vendor location owned and operated by  
17 a federally recognized Indian tribe on Indian country. Tribally owned and  
18 operated ultimate vendors shall be permitted a monthly allocation equal to  
19 one-twelfth the annual probable demand. No motor fuel shall be removed from  
20 a terminal or imported into this state tax free for sale at a tribally owned and  
21 operated location except pursuant to this section. The director shall issue  
22 exemption certificate coupons equal to the probable demand to each federally  
23 recognized tribe which owns and operates an ultimate vendor location in Indian  
24 country. The tribally owned and operated ultimate vendor shall transmit the  
25 coupons to its distributor who shall grant the ultimate vendor a credit in the  
26 amount of the tax exemption equal to the amount which would be due pursuant  
27 to section 142.803 absent the coupons. The distributor shall transmit said used  
28 coupons up its chain of distribution to the supplier charged with precollection of  
29 tax in accordance with this chapter who has granted the same tax exemption to  
30 the distributor. The supplier shall then claim the coupons as a credit against the  
31 tax liability otherwise owing on motor fuel removed from its terminals;

32 (2) The probable demand used in the method described in paragraph (b)  
33 of subdivision (1) of this section shall be determined in the first instance by the  
34 director by multiplying the number of members of the tribe which owns and

35 operates an ultimate vendor location in Indian country who live within the service  
36 area of that location by the average per capita motor fuel consumption for  
37 residents of this state by a ratio whose numerator is the amount of motor fuel  
38 consumed in nonhighway uses (not on state maintained highways) and whose  
39 denominator is the amount of that motor fuel consumed in this state;

40 (3) In determining the number of members of the tribe living within the  
41 service area, the director may rely upon information including, but not limited to:

42 (a) Verified information voluntarily submitted by the affected tribe;

43 (b) Data derived from the most recent U.S. decennial census; and

44 (c) Data derived from the U.S. Bureau of Indian Affairs;

45 (4) The service area of a tribally owned and operated ultimate vendor  
46 location shall be presumed to be a radius around the location with a diameter of:

47 (a) Ten miles in counties whose population exceeds three hundred fifty  
48 thousand; and

49 (b) Twenty-five miles in counties whose population does not exceed  
50 three hundred fifty thousand. An affected tribe may rebut this presumption by  
51 competent evidence in a proceeding to adjust the probable demand determination  
52 pursuant to subdivision (7) of this subsection;

53 (5) In determining the per capita consumption of motor fuel and the ratio  
54 of nonhighway use of fuel to that consumed the director may rely upon  
55 information including, but not limited to:

56 (a) Filings with the director regarding total fuels removed from terminals  
57 versus the amount used upon highways in this state;

58 (b) Fuel consumption reports issued by the Federal Highway  
59 Administration; and

60 (c) Energy consumption reports issued by the U.S. Energy Information  
61 Service;

62 (6) The director may adjust his determination of probable demand  
63 periodically at his discretion, but not less often than upon receipt of a new federal  
64 decennial census;

65 (7) Should any affected federally recognized Indian tribe wish to contest  
66 the director's determination of probable demand, it may do so before the  
67 administrative hearing commission. At such hearing the tribe shall have the right  
68 to submit witnesses and evidence and shall have the burden of proof by a  
69 preponderance of the evidence to establish error in the director's determination  
70 and by establishing the tribe's own calculation. At the conclusion of such  
71 hearing, the administrative law judge shall prepare findings of fact, conclusions  
72 of law and an order which shall be subject to any and all rights of appeal enjoyed  
73 by the director or any other taxpayers. In such a hearing the affected tribe may  
74 introduce testimony under oath or other competent evidence to establish:

75 (a) The number of its tribal members living within the service area of a  
76 tribally owned and operated ultimate vendor location;

77 (b) The actual radius of the service area of the location, if different from  
78 those distances presumed in subdivision (4) of this section;

79 (c) Per capita motor fuel consumption of tribal members living within the  
80 service area if different from that calculated by the director in accordance with  
81 subdivision (5) of this section; or

82 (d) The ratio of nonhighway to highway use fuels within the service area  
83 if different from that calculated by the director under subdivision (5) of this  
84 section;

85 (8) Should the director determine that an affected tribe or its suppliers  
86 have been violating or evading its determination of probable demand hereunder  
87 or securing or selling untaxed motor fuel to consumers other than members of the  
88 affected tribe, the director may, after notice and hearing, cancel the tax exemption  
89 coupons granted to the tribe and prohibit removal of tax-free motor fuel from a  
90 terminal or import into this state for delivery to the tribally owned and operated  
91 ultimate vendor locations. Upon such action, the tribal members must use the  
92 method provided in subdivision (1) of this section to obtain refunds, no further  
93 coupons shall be provided to the affected tribe, and the suppliers shall not be  
94 permitted to claim a credit upon receipt of the coupons.]  
95

2 [152.032. 1. Fifty percent of all taxes collected by the director of revenue  
3 under the provisions of this chapter shall be deposited in the state treasury to the  
4 credit of a fund to be known as the "Grade Crossing Fund", which is hereby  
5 created and established for the purpose of providing revenues to protect the  
6 public against hazards existing at the crossings of public roads, streets, and  
7 highways with railroad tracks. Whenever the motor carrier and railroad safety  
8 division of the department of economic development, pursuant to section  
9 389.640, RSMo, orders the installation, construction or reconstruction of  
10 automatic signals or other safety devices or other safety improvements at  
11 crossings at grade of railroads and public roads, highways or streets, the cost  
12 thereof, which the division apportions against the state, county, municipality or  
13 other public authority in interest, shall be paid out of the grade crossing fund;  
14 provided, however, that when any part of such cost can be paid from funds  
15 available under any federal or federal aid highway act such part shall not be paid  
16 from the grade crossing fund; and provided, further, that no more than ninety  
17 percent of the cost of protecting any grade crossing shall be paid out of the grade  
18 crossing fund. The motor carrier and railroad safety division of the department  
19 of economic development shall, in cooperation with other governmental agencies  
20 of the state, determine if any such cost can be paid from funds available under  
21 any federal or federal aid highway act. An order of the motor carrier and railroad  
22 safety division of the department of economic development for the payment of  
23 any such cost from the grade crossing fund shall be authority for the state  
24 treasurer to pay out of that fund to the person, firm, or corporation entitled thereto  
under the division's order the amount so determined to be paid from said fund.

25           However, such payments annually shall not exceed in any one county an amount  
26           equal to the distribution as set forth in section 152.050, unless the motor carrier  
27           and railroad safety division of the department of economic development makes  
28           a specific finding of facts and conclusions of law that a situation highly  
29           dangerous to the public does exist.

30           2. The unexpended balance in the grade crossing fund at the end of each  
31           fiscal year shall not revert to the general revenue fund as provided in section  
32           33.080, RSMo, but shall accumulate from year to year.]  
33

          [165.016. 1. A school district shall expend as a percentage of current  
2           operating cost, for tuition, teacher retirement and compensation of certificated  
3           staff, a percentage that is for the 1994-95 and 1995-96 school years no less than  
4           three percentage points less than the base school year certificated salary  
5           percentage and for the 1996-97 school year, no less than two percentage points  
6           less than the base school year certificated salary percentage. A school district  
7           may exclude transportation and school safety and security expenditures from the  
8           current operating cost calculation of the base year and the year or years for which  
9           the compliance percentage is calculated. The base school year certificated salary  
10          percentage shall be the two-year average percentage of the 1991-92 and 1992-93  
11          school years except as otherwise established by the state board under subsection  
12          4 of this section; except that, for any school district experiencing, over a period  
13          of three consecutive years, an average yearly increase in average daily attendance  
14          of at least three percent, the base school year certificated salary percentage may  
15          be the two-year average percentage of the last two years of such period of three  
16          consecutive years, at the discretion of the school district.

17          2. Beginning with the 1997-98 school year, a school district shall:

18               (1) Expend, as a percentage of current operating cost, as determined in  
19               subsection 1 of this section, for tuition, teacher retirement and compensation of  
20               certificated staff, a percentage that is no less than two percentage points less than  
21               the base school year certificated salary percentage; or

22               (2) For any year in which no payment of a penalty is required for the  
23               district under subsection 6 of this section, have an unrestricted fund balance in  
24               the combined incidental and teachers' funds on June thirtieth which is equal to or  
25               less than ten percent of the combined expenditures for the year from those funds.

26          3. Beginning with the 1999-00 school year:

27               (1) As used in this subsection, "fiscal instructional ratio of efficiency" or  
28               "FIRE" means the quotient of the sum of the district's current operating costs,  
29               which for this section shall mean all expenditures for instruction and support  
30               services, excluding capital outlay and debt service expenditures less the revenue  
31               from federal categorical sources, food service, student activities, and payments  
32               from other districts, for all kindergarten through grade twelve direct instructional  
33               and direct pupil support service functions plus the costs of improvement of  
34               instruction and the cost of purchased services and supplies for operation of the

35 facilities housing those programs, and excluding student activities, divided by the  
36 sum of the district's current operating cost, as defined in this subdivision, for  
37 kindergarten through grade twelve, plus all tuition revenue received from other  
38 districts minus all noncapital transportation and school safety and security costs;

39 (2) A school district shall show compliance with this section in school  
40 year 1998-99 and thereafter by the method described in subsections 1 and 2 of  
41 this section, or by maintaining or increasing its fiscal instructional ratio of  
42 efficiency compared to its FIRE for the 1997-98 base year.

43 4. (1) The state board of education may exempt a school district from the  
44 requirements of this section upon receiving a request for an exemption by a  
45 school district. The request shall show the reason or reasons for the  
46 noncompliance, and the exemption shall apply for only one school year.  
47 Requests for exemptions under this subdivision may be resubmitted in  
48 succeeding years.

49 (2) A school district may request of the state board a one-time, permanent  
50 revision of the base school year certificated salary percentage. The request shall  
51 show the reason or reasons for the revision.

52 5. Any school district requesting an exemption or revision under  
53 subsection 4 of this section must notify the certified staff of the district in writing  
54 of the district's intent. Prior to granting an exemption or revision, the state board  
55 shall consider comments from certified staff of the district. The state board  
56 decision shall be final.

57 6. Any school district which is determined by the department to be in  
58 violation of the requirements of subsection 1 or 2 of this section, or both, shall  
59 compensate the building-level administrative staff and nonadministrative  
60 certificated staff during the year following the notice of violation by an additional  
61 amount which is equal to one hundred ten percent of the amount necessary to  
62 bring the district into compliance with this section for the year of violation. In  
63 any year in which a penalty is paid, the district shall pay the penalty specified in  
64 this subsection in addition to the amount required under this section for the  
65 current school year.

66 7. Any additional transfers from the teachers' or incidental fund to the  
67 capital projects fund beyond the transfers authorized by state law and state board  
68 policy in effect on January 1, 1996, shall be considered expenditures from the  
69 teachers' or incidental fund for the purpose of determining compliance with the  
70 provisions of subsections 1, 2 and 3 of this section.

71 8. The provisions of this section shall not apply to any district wherein  
72 the local effort is greater than its weighted average daily attendance multiplied  
73 by the state adequacy target multiplied by the dollar value modifier under section  
74 163.031, RSMo.

75 9. The provisions of subsections 1 to 8 of this section shall not apply to  
76 any district that has unrestricted fund balances in the combined incidental and  
77 teacher funds on June thirtieth of the preceding year which are equal to or less

78 than seventeen percent of the combined expenditure for the preceding year from  
79 these funds in any year in which state funds distributed pursuant to subsections  
80 1 and 2 of section 163.031, RSMo, are no more than ninety-six percent of such  
81 state funds distributed in fiscal year 2002.

82 10. The provisions of subsections 1 to 8 of this section shall not apply to  
83 any district which meets the following criteria:

84 (1) With ten percent or more of its assessed valuation that is owned by  
85 one person or corporation as commercial or personal property who is delinquent  
86 in a property tax payment;

87 (2) With unrestricted fund balances in the combined incidental and  
88 teacher funds on June thirtieth of the preceding year which are equal to or less  
89 than one-half of the local property tax revenue for the previous year; and

90 (3) In any year in which state funds distributed pursuant to subsections  
91 1 and 2 of section 163.031, RSMo, are no more than ninety-six percent of such  
92 state funds distributed in fiscal year 2002.

93 11. The provisions of this section shall terminate on June 30, 2007.]  
94

[165.018. 1. Any school district shall be permitted to make a one-time  
2 additional transfer from the incidental fund to the capital projects fund in an  
3 amount not to exceed forty percent of that district's June 30, 2006, incidental fund  
4 if such school district meets one of the following qualifications:

5 (1) Has an average daily attendance between nine hundred forty and one  
6 thousand forty during the 2004-2005 school year, located at least partially in a  
7 county of the third classification with a township form of government and with  
8 more than twenty-nine thousand seven hundred but fewer than twenty-nine  
9 thousand eight hundred inhabitants and which entirely encompasses a city of the  
10 fourth classification with more than one thousand one hundred but fewer than one  
11 thousand two hundred inhabitants; or

12 (2) Has an average daily attendance between six hundred and six hundred  
13 thirty during the 2004-2005 school year, located at least partially in any county  
14 of the second classification with more than fifty-five thousand six hundred but  
15 fewer than fifty-five thousand seven hundred inhabitants; or

16 (3) Has an average daily attendance between four hundred sixty and four  
17 hundred ninety during the 2004-2005 school year, located at least partially in any  
18 county of the third classification without a township form of government and  
19 with more than twenty-three thousand two hundred fifty but fewer than  
20 twenty-three thousand three hundred fifty inhabitants; or

21 (4) Has an average daily attendance between one thousand four hundred  
22 and one thousand five hundred during the 2004-2005 school year and is located  
23 entirely within a county of the third classification without a township form of  
24 government and with more than twenty thousand but fewer than twenty thousand  
25 one hundred inhabitants.

26 2. The provisions of this section shall terminate on July 1, 2007.]

2 [170.250. 1. The "Video Instructional Development and Educational  
3 Opportunity Program" is established to encourage all educational institutions in  
4 Missouri to supplement educational opportunities through telecommunications  
5 technology and satellite broadcast instruction. The program established by this  
6 section is to be administered by the state board of education. The program shall  
7 consist of:

8 (1) Grants to local school districts, state-supported institutions of higher  
9 education and public television stations as defined in section 37.205, RSMo, for  
10 equipment and instruction;

11 (2) Instructional programs developed pursuant to this section and  
12 transmitted through the airwaves, over telephone lines, or by cable television  
13 which are available for all residents of this state without charge as defined in this  
14 section; and

15 (3) Instructional programs developed pursuant to this section which are  
16 available to any subscriber according to this section.

17 2. The "Video Instructional Development and Educational Opportunity  
18 Fund" is established in the state treasury and shall be administered by the  
19 department of elementary and secondary education at the direction of the state  
20 board of education. Moneys deposited in the fund shall consist of revenues  
21 generated from state sales and use tax revenues as provided in chapter 144,  
22 RSMo, on the rental of films, records or any type of sound or picture  
23 transcriptions as provided in subsection 3 of this section and shall include four  
24 million dollars transferred to the fund annually. Moneys in the fund shall be used  
25 solely for purposes established by this section.

26 3. Within the department of elementary and secondary education, there  
27 is established an advisory committee which shall make recommendations to the  
28 state board of education on the grant program. The committee shall be composed  
29 of twenty-nine members. The members of the committee shall consist of one  
30 representative of public television stations as defined in section 37.205, RSMo,  
31 and one representative of the cable television industry appointed by the state  
32 board of education, one representative of public television stations as defined in  
33 section 37.205, RSMo, and one representative of the cable television industry  
34 appointed by the coordinating board for higher education, three classroom  
35 teachers from the elementary and secondary level appointed by the state board of  
36 education, three school administrators of elementary or secondary schools  
37 appointed by the state board of education, three members of school boards of  
38 local public school districts appointed by the state board of education, four  
39 representatives from public community college districts appointed by the  
40 coordinating board for higher education, four representatives of state-supported  
41 institutions of higher education other than community colleges appointed by the  
42 coordinating board for higher education, one representative of the regional  
43 consortium for education and technology appointed by the state board of  
education, one representative of the cooperating school districts of the St. Louis

44 suburban area appointed by the state board of education, two representatives of  
45 the public appointed by the governor with the advice and consent of the senate,  
46 two members of the senate appointed by the senate president pro tem and two  
47 members of the house of representatives appointed by the speaker of the house  
48 of representatives. Of all members appointed by the state board of education, no  
49 more than four shall be from any one congressional district and of all the  
50 members appointed by the coordinating board for higher education, no more than  
51 four shall be from any one congressional district. The members of the committee  
52 shall serve three-year terms and shall not serve more than two terms  
53 consecutively. However, committee members having served two consecutive  
54 terms may be reappointed after leaving the committee for at least one three-year  
55 term. On August 28, 1992, the committee shall designate nine of its members to  
56 serve a term of one year, ten of its members to serve a term of two years, and ten  
57 of its members to serve a term of three years. All subsequent appointments shall  
58 be for three years. All members shall receive no compensation for their services,  
59 but shall be reimbursed for the actual and necessary expenses incurred while  
60 serving on the committee out of funds appropriated for that purpose. The  
61 committee shall meet at least quarterly and shall annually issue a report together  
62 with its recommendations to the state board of education and the general  
63 assembly.

64 4. The state board of education may cooperate with existing programs  
65 including the University of Missouri, other institutions of higher education, the  
66 cooperating school districts of the St. Louis suburban area, or its successor  
67 organization, the regional consortium for education and technology or its  
68 successor organization, and any statewide organization of public school  
69 governing boards and may delegate or contract for the performance or operation  
70 of the respective grant programs. The state board of education shall establish  
71 appropriate guidelines for participation by the aforementioned entities and by  
72 school districts, community college districts, and public television stations as  
73 defined in section 37.205, RSMo, in the grant program. Such guidelines shall  
74 include application procedures and shall establish policies for awarding grants in  
75 the event that more grant applications are received than are funds available to  
76 honor the applications in any fiscal year. In allocating funds to applicants, the  
77 state board of education may give due consideration to revenues available from  
78 all other sources. The state board of education shall accredit courses offered  
79 through this program at the elementary and secondary education level. The  
80 coordinating board for higher education shall approve courses taught at the  
81 postsecondary level.

82 5. In any fiscal year, moneys in the fund shall be used first to ensure that  
83 any and all school districts, community college districts and state institutions of  
84 higher education seeking aid under this program shall receive  
85 telecommunications equipment including computers and modems necessary to  
86 participate in the satellite learning process or instructional television video;

87 second to provide the school districts, community college districts and state  
88 institutions of higher education with access to subjects at the advanced level or  
89 the remedial level or which are not taught in the schools of the district or the  
90 service area or campus, which subjects shall include courses in continuing  
91 education necessary for maintenance or renewal of licenses for all such licensed  
92 health care providers; and third to provide enrichment classes for all pupils of the  
93 district. However, the state board of education may set aside a portion of the  
94 funds to be used to contract with state-supported institutions of higher education  
95 and public television stations as defined in section 37.205, RSMo, to develop  
96 instructional programs for grades kindergarten through twelve and for  
97 undergraduate and graduate course work suitable for broadcast to the school  
98 districts, community college districts and state institutions of higher education as  
99 appropriate and to develop the capability to transmit programs cited in this  
100 section.

101 6. Participation by a local school district, a community college district or  
102 a state institution of higher education in the program established by this section  
103 shall be voluntary. No school district, community college district or state  
104 institution of higher education receiving funds under this program shall use those  
105 funds for any purpose other than that for which they were intended. Any school  
106 district, community college district or state institution of higher education shall  
107 be eligible to receive funds under this program regardless of its curriculum, local  
108 wealth or previous contractual arrangements to receive satellite broadcast  
109 instruction.

110 7. The office of administration on behalf of the state of Missouri may  
111 contract with institutions of higher education for the development or operation  
112 or both of state employee training programs transmitted by telecommunications  
113 technology.

114 8. Instructional programs developed pursuant to this section which are  
115 transmitted one way through the airwaves or by cable television shall be available  
116 to all residents of this state without charge or fee to the extent permitted by the  
117 Missouri Constitution. "Without charge or fee" shall not require the providing  
118 of equipment to transmit or receive telecommunications instruction or the  
119 providing of commercial cable television service. If the instructional program  
120 involves two-way, interactive communication between the instructor and the  
121 participant, the district or institution operating the program may prescribe  
122 academic prerequisites and limit the number of persons who may enroll in the  
123 specific program and give preference to residents of the district or institutional  
124 attendance area who are age twenty-one or younger but shall not discriminate  
125 against any resident on any other basis. A fee may be charged which shall be  
126 paid directly by the individual participant, but the fee shall be equal for all  
127 participants. If a subscription fee is charged by the originator of the program, the  
128 district or institution may pay the subscription fee for all participants from the  
129 grant pursuant to this section or from any other public or private fund legally

130 authorized to be used for this purpose. Printed materials designed to facilitate or  
131 complement telecommunications programs or electronic reproductions thereof  
132 may be made available for loan by the school district, community college or  
133 institution of higher education through the public library system subject to the  
134 normal rules and regulations of the lending system and in such quantities as may  
135 be approved by the governing body of the district or institution. Instructional  
136 programs which involve two-way, interactive communication between the  
137 instructor and the participant shall also be available to any not-for-profit  
138 organization in this state which is exempt from taxation pursuant to subdivision  
139 (19) of subsection 2 of section 144.030, RSMo, upon payment of a reasonable  
140 subscription fee as determined by the state board of education. Such fees shall  
141 be set on a per-participant, per-course basis. The district or institution or the state  
142 board of education may make telecommunication equipment available for  
143 purchase at cost by or rental to any not-for-profit organization in this state which  
144 is exempt from taxation pursuant to subdivision (19) of subsection 2 of section  
145 144.030, RSMo.

146 9. (1) In order to facilitate or complement telecommunications, local  
147 exchange telecommunications companies shall file with the public service  
148 commission tariffs for provision of local service to public school districts, and  
149 may file tariffs for provision of local service to accredited primary or secondary  
150 schools owned or operated by private entities and community college districts  
151 located within the local exchange telecommunications companies certified area.  
152 Such local exchange telecommunications companies shall seek commission  
153 authorization to provide local service at rates lower than those charged for  
154 business and residential service in effect when the tariff is filed, provided that the  
155 proposed rates may not be below the actual cost of providing the service. Upon  
156 approval of the public service commission, the rates shall not be classified as  
157 discriminatory for the purposes of chapter 392, RSMo.

158 (2) The public service commission may approve the tariff as submitted,  
159 or may, after hearing, modify the tariff in the public interest. The commission  
160 may promulgate rules to aid in the implementation of this section.]

161

2 [172.860. Any funds remaining in the Missouri state chest hospital fund  
3 and any funds remaining in any other fund designated for the Missouri  
4 rehabilitation center in the treasury of this state on the effective date of the  
5 transfer of the Missouri rehabilitation center to the board of curators of the  
6 University of Missouri, except for that portion as may be retained by the  
7 department of health and senior services for the continued support of the  
8 tuberculosis laboratory, upon notice to the director of revenue that an agreement  
9 has been executed which transfers the Missouri rehabilitation center from the  
10 department of health and senior services to the board of curators of the University  
of Missouri, shall be transferred to the control and management of the curators



37 annually and officers shall be elected to hold office until the next annual meeting.  
38 The board shall have the right to formulate and establish bylaws not inconsistent  
39 with the provisions of this compact to govern its own actions in the performance  
40 of the duties delegated to it including the right to create and appoint an executive  
41 committee and a finance committee with such powers and authority as the board  
42 may delegate to them from time to time. The board may, within its discretion,  
43 elect as its chairman a person who is not a member of the board, provided such  
44 person resides within a signatory state, and upon such election such person shall  
45 become a member of the board with all the rights and privileges of such  
46 membership.

47 (2) It shall be the duty of the board to submit plans and recommendations  
48 to the states from time to time for their approval and adoption by appropriate  
49 legislative action for the development, establishment, acquisition, operation and  
50 maintenance of educational schools and institutions within the geographical  
51 limits of the regional area of the states, of such character and type and for such  
52 educational purposes, professional, technological, scientific, literary, or  
53 otherwise, as they may deem and determine to be proper, necessary or advisable.  
54 Title to all such educational institutions when so established by appropriate  
55 legislative actions of the states and to all properties and facilities used in  
56 connection therewith shall be vested in said board as the agency of and for the  
57 use and benefit of the said states and the citizens thereof, and all such educational  
58 institutions shall be operated, maintained and financed in the manner herein set  
59 out, subject to any provisions or limitations which may be contained in the  
60 legislative acts of the states authorizing the creation, establishment and operation  
61 of such educational institutions.

62 (3) In addition to the power and authority heretofore granted, the board  
63 shall have the power to enter into such agreements or arrangements with any of  
64 the states and with educational institutions or agencies, as may be required in the  
65 judgment of the board, to provide adequate services and facilities for graduate,  
66 professional and technical education for the benefit of the citizens of the  
67 respective states residing within the region, and such additional and general  
68 power and authority as may be vested in the board from time to time by  
69 legislative enactment of the said states.

70 (4) Any two or more states who are parties of this compact shall have the  
71 right to enter into supplemental agreements providing for the establishment,  
72 financing and operation of regional educational institutions for the benefit of  
73 citizens residing within an area which constitutes a portion of the general region  
74 herein created, such institutions to be financed exclusively by such states and to  
75 be controlled exclusively by the members of the board representing such states  
76 provided such agreement is submitted to and approved by the board prior to the  
77 establishment of such institutions.

78 (5) Each state agrees that, when authorized by the legislature, it will from  
79 time to time make available and pay over to said board such funds as may be

80 required for the establishment, acquisition, operation and maintenance of such  
81 regional educational institutions as may be authorized by the states under the  
82 terms of this compact, the contribution of each state at all times to be in the  
83 proportion that its population bears to the total combined population of the states  
84 who are parties hereto as shown from time to time by the most recent official  
85 published report of the Bureau of Census of the United States of America; or  
86 upon such other basis as may be agreed upon.

87 (6) This compact shall not take effect or be binding upon any state unless  
88 and until it shall be approved by proper legislative action of as many as six or  
89 more of the states whose governors have subscribed hereto within a period of  
90 eighteen months from the date hereof. When and if six or more states shall have  
91 given legislative approval to this compact within said eighteen months' period,  
92 it shall be and become binding upon such six or more states sixty days after the  
93 date of legislative approval by the sixth state and the governors of such six or  
94 more states shall forthwith name the members of the board from their states as  
95 hereinabove set out, and the board shall then meet on call of the governor of any  
96 state approving this compact, at which time the board shall elect officers, adopt  
97 bylaws, appoint committees and otherwise fully organize. Other states whose  
98 names are subscribed hereto shall thereafter become parties hereto upon approval  
99 of this compact by legislative action within two years from the date hereof, upon  
100 such conditions as may be agreed upon at the time. Provided, however, that with  
101 respect to any state whose constitution may require amendment in order to permit  
102 legislative approval of the compact, such state or states shall become parties  
103 hereto upon approval of this compact by legislative action within seven years  
104 from the date hereof, upon such conditions as may be agreed upon at the time.

105 (7) After becoming effective this compact shall thereafter continue  
106 without limitation of time provided, however, that it may be terminated at any  
107 time by unanimous action of the states and provided further that any state may  
108 withdraw from this compact if such withdrawal is approved by its legislature,  
109 such withdrawal to become effective two years after written notice thereof to the  
110 board accompanied by a certified copy of the requisite legislative action, but such  
111 withdrawal shall not relieve the withdrawing state from its obligations hereunder  
112 accruing up to the effective date of such withdrawal. Any state so withdrawing  
113 shall ipso facto cease to have any claim to or ownership of any of the property  
114 held or vested in the board or to any of the funds of the board held under the  
115 terms of this compact.

116 (8) If any state shall at any time become in default in the performance of  
117 any of its obligations assumed herein or with respect to any obligation imposed  
118 upon said state as authorized by and in compliance with the terms and provisions  
119 of this compact, all rights, privileges and benefits of such defaulting state, its  
120 members on the board and its citizens shall ipso facto be and become suspended  
121 from and after the date of such default. Unless such default shall be remedied  
122 and made good within a period of one year immediately following the date of

123 such default this compact may be terminated with respect to such defaulting state  
124 by an affirmative vote of three-fourths of the members of the board (exclusive of  
125 the members representing the state in default), from and after which time such  
126 state shall cease to be a party to this compact and shall have no further claim to  
127 or ownership of any of the property held by or vested in the board or to any of the  
128 funds of the board held under the terms of this compact, but such termination  
129 shall in no manner release such defaulting state from any accrued obligation or  
130 otherwise affect this compact or the rights, duties, privileges or obligations of the  
131 remaining states thereunder.

132 3. In witness whereof this compact has been approved and signed by  
133 governors of the several states, subject, to the approval of their respective  
134 legislatures in the manner hereinabove set out, as of the eighth day of February,  
135 1948.]  
136

2 [173.718. 1. The Missouri coordinating board for higher education is  
3 hereby designated to be the agency of the state of Missouri to administer the  
4 regional education program in cooperation with other southern states.

5 2. The defrayal of administrative cost of the regional education program,  
6 including payment of the annual membership fee assessed to the state of  
7 Missouri, shall be through general revenue appropriations to the Missouri  
8 coordinating board for higher education.]

2 [173.721. Sections 173.715, 173.718 and this section shall expire two  
3 years after the formation of the midwestern higher education compact as  
4 contained in sections 173.700 to 173.710 and upon proper notice being given to  
5 the member states of the compact established pursuant to section 173.715.]

2 [174.266. 1. The board of trustees of the Jasper County Junior College  
3 district and the board of trustees of the Missouri Western Junior College district  
4 shall make an orderly transfer of all the property of the junior college districts,  
5 including but not limited to land and capital improvements to the state of  
6 Missouri on July 1, 1977, except that, the junior college districts shall retire all  
7 bonds for capital improvements commenced before the effective date of this act  
8 by levying a tax within their respective districts as provided in sections 178.770  
9 to 178.890, RSMo, combined with funds available from any other sources. After  
10 all bonded indebtedness has been retired, each junior college district shall cease  
11 to exist, and no levy shall be made for junior college purposes.

12 2. After July 1, 1977, the board of trustees of the Jasper County Junior  
13 College district and the board of trustees of the Missouri Western Junior College  
14 district shall have no duties other than those specified by sections 174.241,  
15 174.261 and 174.266 and shall not exercise any powers previously held. After  
16 September 28, 1979, the members of the board of trustees of the Jasper County  
Junior College district and the members of the board of trustees of the Missouri

17 Western Junior College district shall continue in office for the balance of their  
18 terms. Vacancies on said boards of trustees will be filled by appointment by the  
19 boards of regents of the respective colleges.]  
20

2 [192.010. 1. The department of health and senior services shall have  
3 such duties and powers as are assigned by law. The department of health and  
4 senior services shall also have control and administration over the Missouri  
5 rehabilitation center at Mt. Vernon as provided by law. The department of  
6 health and senior services shall also have such jurisdiction over the accounts of  
7 city and county tuberculosis hospitals as is imposed by law. The cancer  
8 commission of the state of Missouri is hereby assigned to the department of  
9 health and senior services.

10 2. This section shall terminate thirty days following the date notice is  
11 provided to the revisor of statutes that an agreement has been executed which  
12 transfers the Missouri rehabilitation center from the department of health and  
13 senior services to the board of curators of the University of Missouri.]

2 [192.120. The department of health and senior services is hereby  
3 authorized to provide for the teaching and training of children who are resident  
4 patients confined in the Missouri rehabilitation center at Mt. Vernon by  
5 employing certified teachers and instructors and purchasing equipment from any  
6 moneys appropriated for that purpose.]

2 [192.255. 1. All funds received by the state of Missouri from the federal  
3 government or from any other source which are granted for the purpose of  
4 purchasing prophylactic drugs for distribution to persons certified by a physician  
5 to be victims of rheumatic fever, and all money received by the department of  
6 health and senior services as proceeds from the sale of the drugs to the victims,  
7 shall be deposited in the state treasury to the credit of the "Medical Services  
8 Fund", which is hereby created.

9 2. All moneys credited to the medical services fund shall be appropriated  
10 by the general assembly only for the purchase of prophylactic drugs to be  
11 distributed to persons certified by a physician to be victims of rheumatic fever,  
12 for the distribution of the drugs and for the administration of the program.

13 3. The unexpended balance in medical services fund at the end of the  
14 biennium shall not be transferred to the general revenue fund of the state treasury  
15 and accordingly shall be exempt from the provisions of section 33.080, RSMo,  
16 relating to the transfer of funds to the general revenue fund of the state by the  
17 state treasurer.

18 4. The director of the department of health and senior services shall make  
19 and promulgate necessary rules and regulations for the administration of the  
20 funds appropriated pursuant to this section.]

2 [192.375. 1. There is hereby established within the department of health  
3 and senior services the "Missouri Senior Advocacy and Efficiency Commission".  
4 The commission shall consist of the following fifteen members, or their  
5 designees, who are residents of this state:

6 (1) The director of the department of health and senior services;  
7 (2) Two members of the Missouri senate, appointed by the president pro  
8 tem of the senate;

9 (3) Two members of the Missouri house of representatives, appointed by  
10 the speaker of the house;

11 (4) A pharmacist licensed in the state of Missouri, recommended by the  
12 Missouri board of pharmacy and appointed by the governor;

13 (5) A representative of the Pharmaceutical Research and Manufacturers  
14 of America, appointed by the governor;

15 (6) One member of the Missouri silver-haired legislature, appointed by  
16 the governor;

17 (7) One member of the Missouri senior Rx commission, appointed by the  
18 governor;

19 (8) One representative from the assisted living community who currently  
20 serves on the personal independence commission, appointed by the governor;

21 (9) One representative of the Missouri area agency on aging, appointed  
22 by the governor;

23 (10) One member of the special health, psychological, and social needs  
24 of minority older individuals commission;

25 (11) One member of the governor's advisory council on aging, appointed  
26 by the governor;

27 (12) The lieutenant governor, who shall serve as chair of the commission;  
28 and

29 (13) One member from the Missouri council for in-home services,  
30 appointed by the governor. In making the initial appointment to the committee,  
31 the governor, president pro tem, and speaker shall stagger the terms of the  
32 appointees so that five members serve an initial term of one year, five members  
33 serve initial terms of two years and five members serve initial terms of three  
34 years. All members appointed thereafter shall serve three-year terms. All  
35 members shall be eligible for reappointment. Members of the commission shall  
36 be appointed by October 1, 2005. Members shall continue to serve until their  
37 successor is appointed and qualified. Any vacancy on the commission shall be  
38 filled in the same manner as the original appointment. The commission shall be  
39 dissolved on December 31, 2008.

40 2. Service on the commission shall be voluntary. Subject to  
41 appropriations, members of the commission shall receive with reasonable  
42 reimbursement for expenses actually incurred in the performance of the member's  
official duties for members who are not employees of the state of Missouri.

43                   3. Subject to appropriations, the department of health and senior services  
44 shall provide administrative support and resources as is necessary for the  
45 effective operation of the commission.

46                   4. Meetings shall be held at least every ninety days or at the call of the  
47 commission chair.

48                   5. The senior advocacy and efficiency commission shall:

49                   (1) Hold public hearings in accordance with chapter 536, RSMo, to  
50 gather information from any state agency, commission, or public entity on issues  
51 pertaining to the quality and efficiency of all senior services offered by the state  
52 of Missouri;

53                   (2) Analyze state statutes, commissions, and administrative rules  
54 regarding services offered by the state of Missouri for senior citizens and  
55 designate which programs provide effective and efficient support to seniors and  
56 the programs that lack quality;

57                   (3) Establish a mechanism to educate the staff of the members of the  
58 Missouri general assembly to assist seniors, including but not limited to assisting  
59 seniors in applying for any and all prescription drug assistance offered under the  
60 federal Medicare Prescription Drug Modernization Act of 2003;

61                   (4) Develop a plan that delays the need for the provisions of long-term  
62 care outside the residence of senior citizens and allows seniors to remain at home  
63 for as long as possible;

64                   (5) Maintain a web site with detailed information regarding all programs  
65 and services offered by the state of Missouri which are available to seniors;

66                   (6) Maintain a toll-free senior advocacy support telephone number which  
67 directs seniors to all services offered by the state of Missouri which are available  
68 to seniors;

69                   (7) Submit an annual report on the activities of the commission to the  
70 director of the department of health and senior services, the members of the  
71 Missouri general assembly, and the governor by February 1, 2007, and every  
72 February first thereafter. Such report shall include, but not be limited to, the  
73 following:

74                   (a) Efficiencies that can be realized by consolidation of senior services  
75 offered by Missouri;

76                   (b) Effectiveness of all senior services, programs, and commissions  
77 offered by the state of Missouri;

78                   (c) Information regarding the impact and effectiveness of prior  
79 recommendations, if any, that have been implemented; and

80                   (d) Measurable data to identify the cost-effectiveness of the services,  
81 programs, and commissions evaluated.

82                   6. Unless reauthorized, the provisions of this section shall sunset on  
83 December 31, 2008.]

2 [195.405. 1. Any manufacturer, wholesaler, retailer, or other person who  
3 sells, transfers, or otherwise furnishes any listed chemical specified in subsection  
4 2 of section 195.400 to a person in this state or who receives from a source  
5 outside of this state any chemical specified in subsection 2 of section 195.400  
6 shall obtain a registration for such conduct from the department of health and  
7 senior services.

8 2. No registration shall be required of any manufacturer, wholesaler,  
9 retailer, or any pharmacist, pharmacy, physician, dentist, podiatrist, veterinarian  
10 or optometrist, who administers, dispenses or furnishes a substance listed in  
11 subsection 2 of section 195.400 within the scope of his professional practice, or  
12 other person for the sale, transfer, furnishing, or receipt of any drug which  
13 contains any substance listed in subsection 2 of section 195.400 and which is  
14 lawfully sold, transferred or furnished over the counter without a prescription or  
15 by a prescription pursuant to the federal Food, Drug, or Cosmetic Act or  
16 regulations adopted thereunder.

17 3. No registration shall be required of any retailer for the sale, transfer,  
18 furnishing, or receipt of any product part of whose ingredients include a  
19 substance listed in subsection 2 of section 195.400 and which product is lawfully  
20 sold, transferred or furnished in the ordinary course of its business.

21 4. Applications for registration shall be filed in writing and signed by the  
22 applicant, and shall set forth the name of the applicant, the business in which the  
23 applicant is engaged, the business address of the applicant and a full description  
24 of any substance sold, transferred, or otherwise furnished or received.

25 5. The department of health and senior services upon public notice and  
26 hearing may promulgate rules and establish reasonable fees to be charged relating  
27 to the registration and control of the manufacture, distribution, and dispensing of  
28 listed chemicals under subsection 2 of section 195.400.

29 6. Registration granted pursuant to this section may be renewed one year  
30 from the date of issuance, and annually thereafter, upon the filing of a renewal  
31 application and the payment of a registration renewal fee.

32 7. Selling, transferring, or otherwise furnishing or receiving any  
33 substance listed in subsection 2 of section 195.400 without a registration is a  
34 class D felony.]

2 [195.410. 1. No registration shall be issued under section 195.405 unless  
3 and until the applicant for such registration has furnished proof satisfactory to the  
4 department of health and senior services that:

5 (1) The applicant is of good moral character or, if the applicant is an  
6 association or corporation, that the managing officers are of good moral  
7 character; and

8 (2) The applicant is properly equipped as to land, building, and  
paraphernalia to carry on the business described in his application.

9                   2. No registration shall be granted to any person who has within two  
10 years been finally adjudicated and found guilty, or entered a plea of guilty or nolo  
11 contendere, in a criminal prosecution under the laws of any state or of the United  
12 States, for any misdemeanor offense or within seven years for any felony offense  
13 related to controlled substances or chemicals listed in subsection 2 of section  
14 195.400.

15                   3. The department of health and senior services shall register an applicant  
16 to manufacture, distribute, sell, transfer, or otherwise furnish listed chemicals  
17 unless it determines that the issuance of that registration would be inconsistent  
18 with the public interest. In determining the public interest, the following factors  
19 shall be considered:

20                   (1) Maintenance of effective controls against diversion of controlled  
21 substances or chemicals listed in subsection 2 of section 195.400 into other than  
22 legitimate medical, scientific, or industrial channels;

23                   (2) Compliance with applicable state and local law;

24                   (3) Any convictions of an applicant under any federal or state laws  
25 relating to any controlled substance or chemicals listed in subsection 2 of section  
26 195.400;

27                   (4) Past experience in the manufacture or distribution of controlled  
28 substances or chemicals listed in subsection 2 of section 195.400 and the  
29 existence in the applicant's establishment of effective controls against diversion;

30                   (5) Furnishing by the applicant of false or fraudulent material information  
31 in any application filed under section 195.405; and

32                   (6) Any other factors that the department of health and senior services  
33 determines to be relevant to and consistent with the public health and safety.

34                   4. Registration does not entitle a registrant to manufacture and distribute  
35 chemicals listed in subsection 2 of section 195.400 other than those specified in  
36 the registrant's registration.

37                   5. A registration to manufacture, distribute, sell, transfer, or otherwise  
38 furnish or dispense a controlled substance or chemical listed in subsection 2 of  
39 section 195.400 may be suspended or revoked by the department of health and  
40 senior services upon a finding that the registrant has:

41                   (1) Furnished false or fraudulent material information in any application  
42 filed pursuant to sections 195.405 to 195.425;

43                   (2) Been convicted of a felony under any state or federal law relating to  
44 any controlled substance or listed chemical;

45                   (3) Had his federal authority to manufacture, distribute or dispense  
46 controlled substances or chemicals listed in sections 195.405 to 195.425  
47 suspended or revoked; or

48                   (4) Violated any federal controlled substances or chemicals statute or  
49 regulation, or any provision of sections 195.005 to 195.425 or regulation  
50 promulgated pursuant to sections 195.005 to 195.425.

51                   6. The department of health and senior services may:

- 52 (1) Warn or censure a registrant;
- 53 (2) Limit a registration to particular listed chemicals;
- 54 (3) Limit revocation or suspension of a registration to a particular listed
- 55 chemical with respect to which grounds for revocation or suspension exist;
- 56 (4) Restrict or limit a registration under such terms and conditions as the
- 57 department of health and senior services considers appropriate for a period of five
- 58 years;
- 59 (5) Suspend or revoke a registration for a period not to exceed five years;
- 60 or

61 (6) Deny an application for registration. In any order of revocation, the

62 department of health and senior services may provide that the registrant may not

63 apply for a new registration for one to five years following the date of such order.

64 Any stay order shall toll this time period.

65 7. The department of health and senior services shall promptly notify the

66 Drug Enforcement Administration, United States Department of Justice or their

67 successor agencies of all orders suspending or revoking registration and all

68 forfeitures of controlled substances.

69 8. The department of health and senior services may suspend without an

70 order to show cause any registration simultaneously with the institution of

71 proceedings under subsection 5 of this section if the department of health and

72 senior services finds that there is imminent danger to the public health or safety

73 which warrants this action. The suspension shall continue in effect until the

74 conclusion of the proceedings, including review of such proceedings unless

75 sooner withdrawn by the department of health and senior services, dissolved by

76 a court of competent jurisdiction or stayed by the administrative hearing

77 commission.]

78

2 [195.415. All prescriptions, orders, and records, required by sections

3 195.400 to 195.425, and stocks of controlled substances and substances listed in

4 subsection 2 of section 195.400 shall be open for examination and inspection to

5 federal, state, county, and municipal officers, whose duty it is to enforce the laws

6 of this state or of the United States relating to controlled substances and

7 chemicals. No officer having knowledge by virtue of his office of any such

8 prescription, order, or record shall divulge such knowledge, except in connection

9 with a prosecution or proceeding in court or before a licensing or registration

10 board or officer, to which prosecution or proceeding the person to whom such

11 prescriptions, orders, or records relate is a party.]

2 [195.425. 1. The department of health and senior services shall, by

3 regulation, waive the requirement for registration of certain manufacturers,

4 wholesalers, retailers, or other persons if it finds it consistent with the public

5 health and safety.

5           2. The department of health and senior services shall, by regulation,  
6 establish exemptions from the reporting requirements for the sales or transfers of  
7 substances listed in section 195.400 which are below quantity levels set by the  
8 department.]  
9

2           [196.180. The chamber of commerce of the city of St. Louis is hereby  
3 authorized to appoint a board of flour inspectors for the city of St. Louis, for the  
4 purpose of inspecting flour designed for shipment, under such rules and  
5 regulations as it may see fit to establish, whose brands, between buyer and seller,  
6 shall be evidence of the quality of the flour they represent, and which may have  
7 been subjected to said inspection.]

2           [196.725. It shall be unlawful for any person, firm or corporation to use  
3 in any way, in connection or association with the sale, or exposure for sale, or  
4 advertisement of any substance designed to be used as a substitute for butter, the  
5 word "butter", "creamery", or "dairy", except as otherwise required by the laws  
6 of this state; or the name or representation of any breed of dairy cattle, or any  
7 combination of such word, or words and representation, or any other words or  
8 symbols, or combination thereof, commonly used in the sale of butter.]

2           [196.730. Any person who violates any of the provisions of section  
3 196.725 is guilty of a misdemeanor and upon conviction thereof shall be  
4 punished by a fine of not less than fifty dollars nor more than one hundred  
5 dollars, or by imprisonment in the county jail for a term of not less than sixty  
6 days nor more than one year, or by both such fine and imprisonment.]

2           [196.750. For the purpose of sections 196.750 to 196.810, every article,  
3 substitute or compound, other than that produced from pure milk, or cream from  
4 the same, made in the semblance of butter and designed to be used as a substitute  
5 for butter made from pure milk, or cream from the same, is hereby declared to be  
6 "imitation butter".]

2           [196.755. 1. No person shall combine any animal fat or vegetable oil or  
3 other substance with butter, or combine therewith or with animal fat or vegetable  
4 oil or combination of the two, or with either one, any other substance or  
5 substances whatever, any annatto or compound of the same, or any other  
6 substance or substances, for the purpose or with the effect of imparting thereto  
7 a yellow color, or any shade of yellow, so that such substitute shall resemble  
8 yellow or any shade of genuine yellow butter, nor introduce any such coloring  
9 matter or such substance or substances into any of the articles of which the same  
10 is composed; provided, nothing in said sections 196.750 to 196.810 shall be  
11 construed to prohibit the use of salt and harmless coloring matter for coloring the  
substitutes for butter manufactured for export or sale outside the state.

12           2. No person shall, by himself, his agents or employees, produce or  
13 manufacture any substance in imitation or semblance of natural butter, nor sell,  
14 nor keep for sale, nor offer for sale, any imitation butter made or manufactured,  
15 compounded or produced in violation of this section, whether such imitation  
16 butter shall be made or produced in this state or elsewhere.

17           3. This section shall not be construed to prohibit the manufacture and  
18 sale, under the regulations herein provided, of substances designed to be used as  
19 a substitute for butter, and not manufactured or colored as herein prohibited.]  
20

2           [196.760. Every person who lawfully manufactures any substance  
3 designed to be used as a substitute for butter shall mark, by branding, stamping  
4 or stenciling upon the top and side of each tub, firkin, box or other package in  
5 which such article shall be kept, and in which it shall be removed from the place  
6 where it is produced, in a clean and durable manner, in the English language, the  
7 words, "substitute for butter", in printed letters, in plain roman type, each of  
8 which shall not be less than one inch in length and one-half inch in width.]

2           [196.765. No person, by himself, or another, shall ship, consign or  
3 forward by any common carrier, whether public or private, any substance  
4 designed to be used as a substitute for butter, and no carrier shall knowingly  
5 receive the same for the purpose of forwarding or transporting, unless it shall be  
6 manufactured and marked as provided in section 196.760, and unless it be  
7 consigned by the carrier and receipted for by its true name; provided, that said  
8 sections 196.750 to 196.810 shall not apply to any goods in transit between  
9 foreign states across the state of Missouri.]

2           [196.770. No person shall mix oleomargarine, suine, butterine, beef fat,  
3 lard or other foreign substance with any butter or cheese intended for human food  
4 without distinctly marking or stamping or labeling the article or package  
5 containing the same with the true and appropriate name of such article, and the  
6 percentage in which such oleomargarine or other such substance enters into its  
7 composition. Every person offering for sale must inform the purchaser of  
8 contents and makeup of article. Whoever shall violate the provisions of this  
9 section shall be punished as provided for by section 196.790.]

2           [196.775. No person, firm or corporation, agent or employee shall sell,  
3 offer or expose for sale, or deliver to any purchaser, any boiled, process or  
4 renovated butter, unless the words "renovated butter" shall be plainly branded in  
5 bold face letters, at least three-fourths of an inch in length, on the top and side of  
6 each tub, or box or pail, or other kind of case or package, or on the wrapper or  
7 prints or rolls of bulk packages in which it is put up. If such butter is exposed for  
8 sale uncovered or not in a case or package, a placard containing a label so printed  
shall be attached to the mass of butter in such a manner as to be easily seen and

9 read by the purchaser. The branding or marking of all packages shall be in the  
10 English language and in a conspicuous place, so as to be easily read by the  
11 purchaser. Whoever shall violate the provisions of this section shall be punished  
12 as provided for by section 196.790.]  
13

2 [196.780. No person shall have in his possession or under his control, any  
3 substance designed to be used as a substitute for butter, unless the tub, firkin, box  
4 or other package containing the same be clearly and durably marked, as provided  
5 by section 196.765; provided, that this section shall not be deemed to apply to  
6 persons who have the same in their possession for the actual consumption of  
7 themselves and family. Every person having in possession or control any  
8 substance designed to be used as a substitute for butter, which is not marked as  
9 required by the provisions of sections 196.750 to 196.810, shall be presumed to  
10 have known, during the time of such possession or control, the true character and  
11 name, as fixed by said sections of such product.]

2 [196.785. No person, by himself or another, shall sell or offer for sale any  
3 substance designed to be used for a substitute for butter under the name of or  
4 under the pretense that the same is butter.]

2 [196.790. Every person, firm or corporation who shall violate any of the  
3 provisions of sections 196.755 to 196.765, 196.780 and 196.785, shall forfeit and  
4 pay to the state of Missouri, for the use of the school fund for every such  
5 violation, the sum of fifty dollars and costs of suit, to be recovered by civil action  
6 in the name of the state of Missouri on the relation of any person having  
7 knowledge of the facts before an associate circuit judge, or circuit judge assigned  
8 to hear the cause, of the city or county where such violation occurs, subject to the  
9 right of an application for trial de novo or appeal, as the case may be, as in other  
10 civil cases; and it is further enacted that every person, firm or corporation who  
11 shall violate the provisions of sections 196.750 to 196.810, in addition to the civil  
12 liability to the state of Missouri herein provided, shall be deemed guilty of a  
13 misdemeanor, and shall for the first offense be punished by a fine of not less than  
14 fifty dollars nor more than one hundred dollars or by imprisonment not exceeding  
15 thirty days, and for each subsequent offense, by a fine of not less than two  
16 hundred and fifty dollars nor more than five hundred dollars, or by imprisonment  
17 in the county jail not less than thirty days nor more than six months, or by both  
18 such fine and imprisonment, in the discretion of the court.]

2 [196.795. A certificate of an analysis of any dairy product or adulteration  
3 imitation thereof, when duly signed by a professor of chemistry connected with  
4 any of the departments of the state university or experiment station, shall, when  
acknowledged before any person authorized to administer an oath, be received

5 in the courts of this state as prima facie evidence of the facts stated therein, in all  
6 civil actions, as provided for in section 196.790.]

7  
[196.800. No action can be maintained on account of any sale or other  
2 contract made in violation of or with intent to violate sections 196.750 to  
3 196.810, by or through any person who was knowingly a party to such wrongful  
4 sale or other contract.]

5  
[196.805. Whoever shall efface, erase, cancel or remove any mark  
2 provided for by sections 196.750 to 196.810, with intent to mislead, deceive, or  
3 to violate any of the provisions of said sections, shall be deemed guilty of a  
4 misdemeanor.]

5  
[196.810. The state department of agriculture shall be and is hereby  
2 charged with the enforcement of sections 196.750 to 196.810. Actions under said  
3 sections shall be brought in any court of competent jurisdiction.]

4  
[197.314. 1. The provisions of sections 197.300 to 197.366 shall not  
5 apply to any sixty-bed stand-alone facility designed and operated exclusively for  
6 the care of residents with Alzheimer's disease or dementia and located in a tax  
7 increment financing district established prior to 1990 within any county of the  
8 first classification with a charter form of government containing a city with a  
9 population of over three hundred fifty thousand and which district also has within  
10 its boundaries a skilled nursing facility.

11  
12 2. The provisions of sections 197.300 to 197.366 shall not apply, as  
13 hereinafter stated, to a skilled nursing facility that is owned or operated by a  
14 not-for-profit corporation which was created by a special act of the Missouri  
15 general assembly, is exempt from federal income tax as an organization described  
16 in Section 501(c)(3) of the Internal Revenue Code of 1986, is owned by a  
17 religious organization and is to be operated as part of a continuing care retirement  
18 community offering independent living, residential care and skilled care. This  
19 exemption shall authorize no more than twenty additional skilled nursing beds  
20 at each of two facilities which do not have any skilled nursing beds as of January  
21 1, 1999.]

22  
[197.317. 1. After July 1, 1983, no certificate of need shall be issued for  
2 the following:

3 (1) Additional residential care facility, assisted living facility,  
4 intermediate care facility or skilled nursing facility beds above the number then  
5 licensed by this state;

6 (2) Beds in a licensed hospital to be reallocated on a temporary or  
7 permanent basis to nursing care or beds in a long-term care hospital meeting the  
8 requirements described in 42 CFR, Section 412.23(e), excepting those which are

9 not subject to a certificate of need pursuant to paragraphs (e) and (g) of  
10 subdivision (10) of section 197.305; nor

11 (3) The reallocation of intermediate care facility or skilled nursing facility  
12 beds of existing licensed beds by transfer or sale of licensed beds between a  
13 hospital licensed pursuant to this chapter or a nursing care facility licensed  
14 pursuant to chapter 198, RSMo; except for beds in counties in which there is no  
15 existing nursing care facility. No certificate of need shall be issued for the  
16 reallocation of existing residential care facility or assisted living facility, or  
17 intermediate care facilities operated exclusively for the mentally retarded to  
18 intermediate care or skilled nursing facilities or beds. However, after January 1,  
19 2003, nothing in this section shall prohibit the Missouri health facilities review  
20 committee from issuing a certificate of need for additional beds in existing health  
21 care facilities or for new beds in new health care facilities or for the reallocation  
22 of licensed beds, provided that no construction shall begin prior to January 1,  
23 2004. The provisions of subsections 16 and 17 of section 197.315 shall apply to  
24 the provisions of this section.

25 2. The health facilities review committee shall utilize demographic data  
26 from the office of social and economic data analysis, or its successor  
27 organization, at the University of Missouri as their source of information in  
28 considering applications for new institutional long-term care facilities.]  
29

2 [198.087. To ensure uniformity of application of regulation standards in  
3 long-term care facilities throughout the state, the department of social services  
4 shall:

5 (1) Evaluate the requirements for inspectors or surveyors of facilities,  
6 including the eligibility, training and testing requirements for the position. Based  
7 on the evaluation, the department shall develop and implement additional training  
8 and knowledge standards for inspectors and surveyors;

9 (2) Periodically evaluate the performance of the inspectors or surveyors  
10 regionally and statewide to identify any deviations or inconsistencies in  
11 regulation application. At a minimum, the Missouri on-site surveyor evaluation  
12 process, and the number and type of actions overturned by the informal dispute  
13 resolution process and formal appeal shall be used in the evaluation. Based on  
14 such evaluation, the department shall develop standards and a retraining process  
15 for the region, state, or individual inspector or surveyor, as needed;

16 (3) In addition to the provisions of subdivisions (1) and (2) of this  
17 section, the department shall develop a single uniform comprehensive and  
18 mandatory course of instruction for inspectors/surveyors on the practical  
19 application of enforcement of statutes, rules and regulations. Such course shall  
20 also be open to attendance by administrators and staff of facilities licensed  
21 pursuant to this chapter;

22 (4) With the full cooperation of and in conjunction with the department  
of health and senior services, evaluate the implementation and compliance of the

23 provisions of subdivision (3) of subsection 1 of section 198.012 in which rules,  
24 requirements, regulations and standards pursuant to section 197.080, RSMo, for  
25 assisted living facilities, intermediate care facilities and skilled nursing facilities  
26 attached to an acute care hospital are consistent with the intent of this chapter.  
27 A report of the differences found in the evaluation conducted pursuant to this  
28 subdivision shall be made jointly by the departments of social services and health  
29 and senior services to the governor and members of the general assembly by  
30 January 1, 2008; and

31 (5) With the full cooperation and in conjunction with the department of  
32 health and senior services, develop rules and regulations requiring the exchange  
33 of information, including regulatory violations, between the departments to  
34 ensure the protection of individuals who are served by health care providers  
35 regulated by either the department of health and senior services or the department  
36 of social services.]

37

2 [198.600. 1. The department of health and senior services shall establish  
3 a "Uniform Data Management Pilot Program" at a minimum of fifty selected  
4 facilities of varying licensure or classification throughout the state to improve  
5 patient care and retention of nursing facility staff. The department shall  
6 determine the nature and extent of the pilot program and provide all necessary  
7 resources.

8 2. The pilot program shall be implemented no later than six months after  
9 funding for the pilot program is made available.

10 3. The pilot program shall:

11 (1) Encourage the utilization of existing or the purchase of new software  
12 in an effort to modernize the procedures for compiling and disseminating data for  
13 long-term care facilities;

14 (2) Enable physicians, licensed nurses, and facility personnel to devote  
15 more quality time to patient care; and

16 (3) Be established in selected urban, rural, and regional sites throughout  
17 the state.

18 4. The department of health and senior services shall monitor the pilot  
19 program and report to the general assembly by January first next following the  
20 implementation of the pilot program pursuant to this section on the effectiveness  
21 of such program, including quality of care, employee satisfaction, and  
22 cost-effectiveness.]

22

2 [207.023. The division of family services within the department of social  
3 services, with input from the Missouri community service commission created  
4 in sections 26.600 to 26.614, RSMo, shall promulgate rules providing standards  
5 and procedures for community service participation by persons receiving services  
6 from the division of family services. In order to be eligible to receive services  
from the division of family services, a person shall satisfy the requirements of the

7 rules promulgated under this section regarding community service participation.]

8

2 [207.040. The director of the division shall devote his entire time to his  
3 official duties and shall receive an annual salary of nineteen thousand dollars. It  
4 shall be his duty to investigate personally the conduct of the various bureaus of  
5 the division of family services, and to give executive control to the administration  
6 of the work of the division in this state.]

6

2 [207.050. In every county there may be established a county family  
3 services commission to consist of four persons, two from each of the two major  
4 political parties, to be selected by the director of social services from a list  
5 submitted to the director of the department of social services by the county  
6 commission, consisting of double the number of appointments to be made. Each  
7 member of the county family services commission shall serve for a term of four  
8 years. Vacancies shall be filled in the same way in which the original  
9 appointment was made. The duties of the county family services commission  
10 shall be advisory in nature with the power to examine the records of any case  
11 pending within their county and to make recommendations thereon. They shall  
12 serve without compensation, but shall be paid their traveling expenses and other  
13 necessary expense in the performance of their duty. No elective officer shall be  
14 appointed as a member of the county family services commission, and upon  
15 becoming a candidate for any elective office, such member of the county family  
16 services commission shall forthwith forfeit his or her position on the commission.  
17 Duties imposed by this law upon the several county commissions shall be  
18 performed in the city of St. Louis by the board of estimate and apportionment.]

18

2 [207.055. 1. Within thirty days after August 13, 1972, the county  
3 commission of each county may appoint two additional members of the county  
4 family services commission, and such members shall be in addition to those  
5 members required by the provisions of section 207.050. Such members shall be  
6 residents of the county, one from each of the two major political parties and shall  
7 have been actual welfare recipients, and shall be appointed for terms of two  
8 years. If at any time these members remove their residence from the county, their  
9 office shall be vacant and another person shall be appointed for the remainder of  
10 their term.

11 2. The members appointed pursuant to the provisions of this section shall  
12 have the same rights, powers, duties and responsibilities as the other members of  
13 the commission, and all references of any kind to the county family services  
14 commission shall be to the commission as composed of six members instead of  
15 four.]

15

2 [208.344. 1. By December 1, 2002, and annually thereafter, the division  
of family services shall submit a report to the governor, the president pro tempore

3 of the senate, and the speaker of the house of representatives regarding the  
4 progress of welfare reform in Missouri. The report shall include, but not be  
5 limited to, current statistics and recommendations regarding:

6 (1) Individuals who have successfully left welfare and employment of  
7 such individuals;

8 (2) Individuals who remain on or have returned to welfare; and

9 (3) Benefits of welfare reform realized by families, employers, and the  
10 state.

11 2. The provisions of this section shall expire on December 31, 2007.]  
12

[208.978. 1. The MO HealthNet oversight committee shall develop and  
2 report upon recommendations to be delivered to the governor and general  
3 assembly relating to the expenditure of funds appropriated to the health care  
4 technology fund established under section 208.975.

5 2. Recommendations from the committee shall include an analysis and  
6 review, including but not limited to the following:

7 (1) Reviewing the current status of health care information technology  
8 adoption by the health care delivery system in Missouri;

9 (2) Addressing the potential technical, scientific, economic, security,  
10 privacy, and other issues related to the adoption of interoperable health care  
11 information technology in Missouri;

12 (3) Evaluating the cost of using interoperable health care information  
13 technology by the health care delivery system in Missouri;

14 (4) Identifying private resources and public/private partnerships to fund  
15 efforts to adopt interoperable health care information technology;

16 (5) Exploring the use of telemedicine as a vehicle to improve health care  
17 access to Missourians;

18 (6) Identifying methods and requirements for ensuring that not less than  
19 ten percent of appropriations within a single fiscal year shall be directed toward  
20 the purpose of expanding and developing minority-owned businesses that deliver  
21 technological enhancements to health care delivery systems and networks;

22 (7) Developing requirements to be recommended to the general assembly  
23 that ensure not more than twenty-five percent of appropriations from the health  
24 care technology fund in any fiscal year shall be contractually awarded to a single  
25 entity;

26 (8) Developing requirements to be recommended to the general assembly  
27 that ensure the number of contractual awards provided from the health care  
28 technology fund shall not be fewer than the number of congressional districts  
29 within Missouri; and

30 (9) Recommending best practices or policies for state government and  
31 private entities to promote the adoption of interoperable health care information  
32 technology by the Missouri health care delivery system.

33                   3. The committee shall make and report its recommendations to the  
34 governor and general assembly on or before January 1, 2008.

35                   4. This section shall expire on April 15, 2008.]  
36

2                   [210.002. 1. The department of social services, the department of health  
3 and senior services, the department of mental health, the department of  
4 elementary and secondary education, the division of youth services, and the  
5 division of family services shall cooperate with the children's service commission  
6 to prepare a detailed, comprehensive "Year 2000 Plan" to provide the preventive  
7 services described in subsection 2 of this section.

8                   2. The "Year 2000 Plan" shall provide recommendations for the  
9 development and implementation of coordinated social and health services  
10 which:

11                   (1) Identify early problems experienced by children and their families and  
12 the services which are adequate in availability, appropriate to the situation, and  
13 effective;

14                   (2) Seek to bring about meaningful change before family situations  
15 become irreversibly destructive and before disturbed psychological behavioral  
16 patterns and health problems become severe or permanent;

17                   (3) Serve children and families in their own homes thus preventing  
18 unnecessary out-of-home placement or institutionalization;

19                   (4) Focus resources on social and health problems as they begin to  
20 manifest themselves rather than waiting for chronic and severe patterns of illness,  
21 criminality, and dependency to develop which require long-term treatment,  
22 maintenance, or custody;

23                   (5) Reduce duplication of and gaps in service delivery;

24                   (6) Improve planning, budgeting, and communication among these state  
25 agencies serving children and families; and

26                   (7) Develop outcome standards for measuring the effectiveness of social  
27 and health services for children and families.

28                   3. Each such department or division shall cooperate with the commission  
29 to develop a specific plan which shall be made available to the governor and the  
30 members of the general assembly by December 1, 1988.]

2                   [210.111. By January 1, 2005, the children's division shall identify all  
3 children in the custody of the division currently receiving foster care services and  
4 shall report to the general assembly the type of foster care being provided,  
5 including but not limited to care provided in a licensed foster care home,  
6 institutional setting, residential setting, independent living setting, or kinship care  
7 setting, and the status of all such children. Nothing in this section shall be  
8 construed as requiring the division to disclose the identity or precise location of  
9 any child in the custody of the division.]

2 [210.292. 1. Any city not within a county, which has a population of six  
3 hundred thousand inhabitants or over, and any county of the first class authorized  
4 by law to provide, and which does provide, foster care to homeless, dependent  
5 or neglected children shall receive from the state one hundred percent of the net  
6 cost thereof.

7 2. The "foster care" provided for by sections 210.292 to 210.298 shall be  
8 care of homeless, dependent or neglected children when the foster facilities are  
9 selected by the local agency or division of family services and the placement of  
10 children therein is lawfully authorized; the "care" shall include room, board,  
11 clothing, medical care, dental care, social services and incidentals.]

2 [211.013. The office of state courts administrator shall conduct a study  
3 and report to the general assembly by June 30, 2009, on the impact of changing  
4 the definition of child, as used in section 211.031, to include any person over  
5 seventeen years of age but not yet eighteen years of age alleged to have  
6 committed a status offense as defined in subdivision (2) of subsection 1 of  
7 section 211.031. The report shall contain information regarding the impact on  
8 caseloads of juvenile officers, including the average increase in caseload per  
9 juvenile officer for each judicial circuit, and the number of children affected by  
10 the change in definition.]

2 [211.015. 1. For the purpose of promoting and improving the social,  
3 emotional, and educational welfare of pupils under the jurisdiction of the juvenile  
4 court or family court under subdivisions (1), (2), or (5) of subsection 211.031, the  
5 department of elementary and secondary education shall, in conjunction with the  
6 department of social services, conduct a study to determine the means of ensuring  
7 that such children's educational needs are met in terms of setting and amount, and  
8 submit a report on the study to the governor and Missouri general assembly on  
9 or before November 1, 2007.

10 2. The report shall include, but not be limited to, the following:

11 (1) Recommendations relating to detailed procedures and timetables to  
12 determine the appropriate amount of hours in a school day for the specific child;

13 (2) Recommendations on determining the appropriateness of the  
14 education for such children described under this section who do not have  
15 individualized education programs or are without a pending referral for special  
16 education services; and

17 (3) Recommendations for determining the responsibility, financial or  
18 otherwise, among either the local school district and child-placing agency or both  
19 as to the proper and timely placement of such children in an appropriate  
20 educational setting.]

2 [215.050. 1. The commission shall establish a fund to be known as the  
3 "Housing Development Fund". There shall be paid into the housing development  
4 fund:

5 (1) Any moneys appropriated and made available to the commission to  
6 carry out the purposes of this fund;

7 (2) Any moneys which the commission receives in repayment of  
8 advances or loans made from the fund; and

9 (3) Any other moneys which may be made available to the commission  
10 for the purpose of such fund from any other source or sources.

11 2. Moneys held in the housing development fund may be used to make  
12 noninterest-bearing advances to nonprofit corporations to defray development  
13 costs of constructing or rehabilitating residential housing if such housing  
14 complies with the standards set by the commission under sections 215.010 to  
15 215.250. No noninterest-bearing advances may be made unless the commission  
16 may reasonably anticipate that permanent financing of the residential housing  
17 may be obtained.

18 3. Each advance shall be repaid in full concurrent with the receipt by the  
19 nonprofit corporation of the proceeds of the permanent financing or of the  
20 construction loan, unless the commission shall extend the period for the  
21 repayment of such advance, provided that no such extension shall be granted  
22 beyond the date of final payment under the permanent financing.

23 4. If the commission shall determine at any time that permanent financing  
24 may not be obtained, the advance shall become immediately due and payable and  
25 shall be paid from any assets of the residential housing project.]

2 [215.340. Sections 215.340 to 215.349 shall be known as the "Workfare  
3 Renovation Project". Subject to participation by qualifying cities, the Missouri  
4 housing development commission shall establish a two-year pilot project in each  
5 of the two cities defined in section 215.345 which shall provide for the  
6 renovation of property in the urban core of the city for subsequent purchase  
7 pursuant to the provisions of sections 215.340 to 215.349.]

2 [215.345. As used in sections 215.340 to 215.349, the following terms  
3 mean:

4 (1) "Agency", the participating city's administering agency of the  
5 workfare renovation project;

6 (2) "City", any city not within a county or any city with at least three  
7 hundred fifty thousand inhabitants which is located in more than one county;

8 (3) "Commission", the state housing development commission authorized  
9 pursuant to sections 215.010 to 215.250;

10 (4) "Federal poverty level", the first poverty income guidelines published  
11 in the calendar year by the United States Department of Health and Human  
Services;

12 (5) "Low income", a household income which does not exceed two  
13 hundred percent of the federal poverty level;

14 (6) "Project", the renovation of one or more properties on the urban core  
15 of the city which have been determined to be of substandard quality or condition  
16 and the subsequent sale of such property following renovation;

17 (7) "Renovate" or "renovation", the reconstruction, remodeling, repairing,  
18 weatherizing, installation of energy conservation measures or devices, and similar  
19 work necessary to make urban core city property safe, sanitary and decent, and  
20 make such property meet the minimum building code requirements and  
21 occupancy requirements of a city, as the term city is defined in this section.]  
22

2 [215.347. 1. The workfare renovation project shall have the following  
3 goals:

4 (1) To assist low-income individuals in learning a trade by providing  
5 them with an opportunity to participate in the renovation of urban core property;  
6 and

7 (2) To create tax-producing property for the participating cities out of  
8 existing urban core city property.

9 2. The governing body of any city defined in section 215.345, by enacting  
10 the appropriate ordinances, may participate in the workfare renovation project by  
11 donating existing inner-city property to the project, submitting a plan for  
12 renovation in the city to the commission and establishing an agency to administer  
13 the project in such city pursuant to any authority delegated to such agency by the  
14 commission. In any city not within a county or any city with at least three  
15 hundred fifty thousand inhabitants which is located in more than one county, the  
16 Missouri housing development commission using available state resources shall  
17 assign, either directly or through contract, staff to oversee each respective city's  
18 project. In any city not within a county, such staff shall annually report the  
19 progress of the project to the mayor and the board of aldermen.

20 3. The commission may:

21 (1) Receive, hold and convey title to real estate on the workfare  
22 renovation project carried out by the participating city and receive and use for the  
23 purposes described in sections 215.340 to 215.355 any grants or loans made by  
24 the commission pursuant to section 215.035 or section 215.050;

25 (2) Approve all proposed inner-city property for renovation;

26 (3) Approve the workers who will perform the renovation and  
27 reconstruction work. The workers, to be selected from the local labor force, shall  
28 be capable of performing the work for which they will be hired, and shall be, as  
29 far as practicable, persons who are classified as low income or receiving public  
30 assistance and who are indigenous to the areas which are selected for renovation  
31 activity;

(4) Contract and be contracted with;

32 (5) Seek such legal and other professional and staff assistance deemed  
33 necessary to carry out the purposes of sections 215.340 to 215.355;

34 (6) Sell the properties renovated, but such sales shall be subject to the  
35 following requirements:

36 (a) Each property shall be sold only to a person who will be the actual  
37 owner of record of the property and will actually occupy the property for a period  
38 of not less than five years; and

39 (b) Each property shall be sold at a price which will allow the  
40 commission to recover all costs incurred by it in renovating and selling such  
41 property, including, but not limited to, the labor, materials and other renovation  
42 expenses;

43 (7) Do all other things necessary to implement and administer the  
44 residential renovation program authorized by sections 215.340 to 215.355,  
45 including administering a revolving fund for continued funding and operations  
46 of the program, and submitting an annual report on expenditures made in the  
47 previous fiscal year by December first, beginning in 1999, to the state auditor, the  
48 speaker of the house and the president pro tem of the senate;

49 (8) Utilize all appropriate tax credit and wage diversion programs offered  
50 through state departments to assist low-income residents of this state in becoming  
51 self-sufficient through the workfare renovation project.

52 4. No rule or portion of a rule promulgated pursuant to the authority of  
53 sections 215.340 to 215.355 shall become effective unless it has been  
54 promulgated pursuant to the provisions of chapter 536, RSMo. The provisions  
55 of this section and chapter 536, RSMo, are nonseverable and if any of the powers  
56 vested with the general assembly pursuant to chapter 536, RSMo, including the  
57 ability to review, to delay the effective date, or to disapprove and annul a rule or  
58 portion of a rule, are subsequently held unconstitutional, then the purported grant  
59 of rulemaking authority and any rule so proposed and contained in the order of  
60 rulemaking shall be invalid and void.]

61

2 [215.349. Properties selected for renovation pursuant to the provisions  
3 of sections 215.340 to 215.349 shall be located in those areas of the urban core  
4 of the city which are in the greatest need of neighborhood rehabilitation. Each  
5 administering agency shall make a plan or plans to carry out the purposes of this  
6 section and such plans shall be available to the public. In making the plan or  
7 plans required by this section, each agency shall hold public hearings at  
8 reasonable times and places from which to obtain community input in order to  
9 assess the impact of any proposed plan on any neighborhood involved and to  
10 assist them in determining which neighborhood or neighborhoods shall be given  
11 the highest priority. The factors which the agency may consider, among all other  
12 relevant considerations, are:

13 (1) The number of properties owned by the city in a neighborhood which  
could be renovated; and

14 (2) The prior commitment of private developers to the area selected or  
15 adjacent areas for purposes of assuring that purchasers of such property can  
16 obtain financing and insurance.]  
17

2 [215.351. State and federal funds appropriated to the department of  
3 economic development and the department of social services for job training  
4 shall be used to train eligible individuals participating in the workfare renovation  
5 project pursuant to sections 215.340 to 215.355.]

2 [215.353. The Missouri housing development commission shall, to the  
3 extent possible and in conjunction with the participating cities, select properties  
4 for renovation pursuant to the workfare renovation project established in sections  
5 215.340 to 215.355 so that diverse socioeconomic backgrounds and  
6 circumstances are reflected in the renovated neighborhoods and communities.]

2 [215.355. The department of social services, the participating cities and  
3 the Missouri housing development commission shall consult and collaborate on  
4 issues involving funding and implementation of the workfare renovation project  
5 established in sections 215.340 to 215.355 to help ensure the success of the pilot  
6 project sites in meeting the objectives of the workfare renovation project.]

2 [217.860. 1. There is hereby created within the department of corrections  
3 a "Task Force on Alternative Sentencing". The primary duty of the task force is  
4 to develop a statewide plan for alternative sentencing programs. The plan shall  
5 include, but not be limited to, the following:

- 6 (1) Public-private partnerships;
- 7 (2) Job training;
- 8 (3) Job placement;
- 9 (4) Conflict resolution treatment; and
- 10 (5) Alcohol and drug rehabilitation.

11 2. In developing this statewide plan the task force shall at a minimum  
12 acquire and review the following information:

- 13 (1) The cost per year to incarcerate one offender;
- 14 (2) The cost of the proposed alternative sentencing program or programs  
15 per year;
- 16 (3) The recidivism rate for different types of offenses; and
- 17 (4) Information and research to assist the task force in determining which  
18 classes of offenders should be targeted in alternative sentencing programs.

19 3. The task force created in this section shall be comprised of the  
20 following members or their designees from the entity represented:

- 21 (1) The director;
- (2) The director of the division of probation and parole;

22 (3) Two probation and parole officers or supervisors, who shall be  
23 appointed by the director of the division of probation and parole;

24 (4) One member of the department of economic development's workforce  
25 development office who shall be appointed by the director of the department of  
26 economic development;

27 (5) Two circuit or associate circuit judges who shall be appointed by the  
28 governor;

29 (6) Two chief executive officers of two different private businesses that  
30 employ a minimum of twenty employees each who shall be appointed by the  
31 governor;

32 (7) Two prosecuting attorneys who shall be appointed by the governor;

33 (8) Two members of the house of representatives, one of whom shall be  
34 appointed by the speaker of the house and one of whom shall be appointed by the  
35 house minority leader; and

36 (9) Two members of the senate, one of whom shall be appointed by the  
37 president pro tem of the senate and one of whom shall be appointed by the senate  
38 minority leader.

39 4. The task force shall meet at least quarterly and shall submit its  
40 recommendations and statewide plan for an alternative sentencing program or  
41 programs to the governor, to the general assembly, and to the director by  
42 December 31, 2006.

43 5. Members of the task force shall receive no additional compensation  
44 but shall be eligible for reimbursement for mileage directly related to the  
45 performance of task force duties.

46 6. The provisions of this section terminate on May 31, 2007.]

47

2 [221.140. In case of any prisoner confined in any jail in this state on a  
3 charge of felony being in want of needful and necessary clothing, it shall be the  
4 duty of the jailer to procure the same, and to present his account therefor to the  
5 court having criminal jurisdiction for the county; and on said court being satisfied  
6 of the correctness of such account, shall certify the same for payment, as other  
7 costs in criminal cases, to the state auditor.]

2 [237.200. If the master or commander of any steamboat shall land at the  
3 platform or known landing place of any public ferry, and shall intentionally  
4 obstruct the passage of any ferryboat, or moor or unload against, over or upon the  
5 same, without the consent of the owner of such ferry, such master or owner of  
6 such steamboat shall forfeit and pay to the legal possessor of such ferry landing  
7 fifty dollars for each offense, to be recovered by civil action before an associate  
8 circuit judge, and shall be liable to an action for damages, to be recovered before  
9 any court having competent jurisdiction.]

2 [253.375. 1. As a necessary adjunct to the operation and maintenance of  
3 this memorial and historic site, as herein provided, there is hereby created a state  
4 advisory commission, to be known as "The Thomas Hart Benton Homestead  
5 Memorial Commission", to consist of twenty members, ten members to be  
6 appointed by the director of the department of natural resources, five members  
7 to be appointed by the president pro tem of the senate and five members to be  
8 appointed by the speaker of the house. The appointees shall be selected from  
9 outstanding individuals, not restricted to citizens of the state, well-known for  
10 their interest in and knowledge of Thomas Hart Benton, his life and his work, and  
11 in addition thereto, the director of the department of natural resources, the  
12 chairman of the Missouri advisory council on historic preservation, which  
13 advisory commission, upon original appointment, is hereby empowered to  
14 organize itself and to elect its own officers for such term or terms as the  
15 commission shall from time to time determine. Any vacancy on the advisory  
16 commission shall be filled by the same official who appointed the person who  
17 left the commission thus creating such vacancy.

18 2. The commission shall be advisory to the division of state parks and  
19 recreation of the department of natural resources on all policy and administrative  
20 matters pertaining to planning, operation and maintenance, including museum  
21 activities, the employment of curators, staff employees or other persons, as may  
22 be needed.

23 3. The members of the commission shall not receive any compensation  
24 for their services, but shall be reimbursed for their actual and necessary expenses,  
25 excluding travel expenses, incurred within the state of Missouri in the  
26 performance of their duties.

27 4. The commission is empowered, in behalf of the state, to accept gifts,  
28 contributions, bequests of unrestricted funds, from individuals, foundations,  
29 corporations and other organizations or institutions for the furtherance of the  
30 objectives and purposes of this memorial.

31 5. The commission may request from any department, division, board,  
32 bureau, council, commission or other agency of this state such assistance and data  
33 as will enable it to properly carry out its powers and duties hereunder; and the  
34 director of the department of natural resources shall make provision for the  
35 staffing and servicing of the commission, and providing the necessary funding to  
36 carry out its duties, from funds appropriated or otherwise available to that  
37 department.]

2 [253.406. To initially establish this fund, the general assembly shall  
3 appropriate one million dollars to the historic preservation revolving fund. The  
4 initial appropriated amount shall not be construed to limit in any way the future  
5 balance of money in the fund.]

2 [260.481. 1. Any fourth class city in any first class county with a charter  
3 form of government adjoining a city not within a county, which has contracted  
4 with the state of Missouri or the federal government, or both, for the acquisition  
5 of all real property by any federal or state agency because of the release of a  
6 hazardous substance that endangers the public health and welfare of such city and  
7 has resulted in a public calamity, and where a city ordinance effecting  
8 disincorporation has been submitted to the governor by the mayor of the city  
9 requesting disincorporation, shall be disincorporated upon the issuance of a  
10 governor's executive order approving such disincorporation. Notice of such  
11 disincorporation shall be submitted to the secretary of state and the county  
12 commission of the county within which such city lies.

13 2. Upon the issuance of the executive order as required in subsection 1  
14 of this section, the governor shall appoint a person to act as trustee for the city so  
15 disincorporated and shall appoint legal counsel to assist such trustee as necessary.  
16 Before entering upon the discharge of his duties, the trustee shall take and  
17 subscribe on oath that he will faithfully discharge the duties of his office. The  
18 trustee shall be empowered to condemn property as required, to take title to  
19 property as it is acquired, to take over all records of the city and to exercise other  
20 duties as specified in section 79.520, RSMo, except that the trustee shall not be  
21 empowered to institute suits in behalf of the city without the express  
22 authorization of the governor.

23 3. When the trustee shall have closed the affairs of the city, and shall  
24 have paid all debts due by the city, he shall, at the request of the governor, pay  
25 over to the state treasurer all money remaining in his hands and deliver to the  
26 agency designated by the governor all books, papers, records and deeds to  
27 acquired real property belonging to the disincorporated city.

28 4. Any expenditures incurred under this section will be paid first from  
29 excess city funds and then from the Missouri hazardous waste fund under section  
30 260.391.]

2 [263.210. It shall be the duty of any person who shall ship or cause to be  
3 shipped into this state any fruit trees, queensware or other property of any kind  
4 or description packed in or with straw or grass of any kind, to burn said straw or  
5 grass at the time of unpacking the same, and if any such person shall not so  
6 destroy such grass or straw, he shall be deemed guilty of a misdemeanor.]

2 [278.010. 1. In order to cooperate with the federal government in  
3 bringing to the farm people of Missouri the full benefits of an act by the Congress  
4 of the United States, approved February 29, 1936, and generally known as "The  
5 Soil Conservation and Domestic Allotment Act" (16 U.S.C.A. § 590h) the policy  
6 and purposes of which are set forth in section 7(a) of the act as follows:

- 7 (1) Preservation and improvement of soil fertility;  
(2) Promotion of the economic use and conservation of land;

8 (3) Diminution of exploitation and wasteful and unscientific use of  
9 national soil resources;

10 (4) The protection of rivers and harbors against the results of soil erosion  
11 in aid of maintaining the navigability of waters and water courses and in aid of  
12 flood control; and

13 (5) Reestablishment, at as rapid a rate as the secretary of agriculture  
14 determines to be practicable and in the general public interest, of the ratio  
15 between the purchasing power of the net income per person on farms and that of  
16 the income per person not on farms that prevailed during the five year period,  
17 August, 1909--July, 1914, inclusive, as determined from statistics available in the  
18 United States Department of Agriculture, and the maintenance of such ratio.

19 2. The state of Missouri through its legislature hereby accepts the  
20 provisions and requirements of said act.]  
21

2 [278.020. The curators of the University of Missouri, herein referred to  
3 as the curators, acting by and through the agricultural extension service by it  
4 carried on in connection with the college of agriculture of the university of  
5 Missouri, are hereby designated as the agency of the state of Missouri to  
6 administer any plans authorized by this federal act which shall be approved by the  
7 Secretary of Agriculture of the United States, herein referred to as the Secretary  
8 of Agriculture, for the state of Missouri pursuant to provisions of said Soil  
9 Conservation and Domestic Allotment Act.]

2 [278.030. 1. The curators are hereby authorized, empowered and  
3 directed to formulate and submit to the Secretary of Agriculture in conformity  
4 with the provisions of said soil conservation and domestic allotment act, a state  
5 plan for each calendar year, beginning not later than for the calendar year 1938.  
6 It shall be the purpose of each such plan to promote such utilization of and such  
7 farming practices as the curators find will tend, in conjunction with the operation  
8 of such other plans as may be approved for other states by the Secretary of  
9 Agriculture, to preserve and improve soil fertility, promote the economic use of  
10 land, diminish the exploitation and wasteful and unscientific use of national soil  
11 resources, and reestablish and maintain the ratio between the purchasing power  
12 of the net income per person on farms and that of the income per person not on  
13 farms as defined in subsection (a), of section 7 of said Soil Conservation and  
14 Domestic Allotment Act.

15 2. Each such plan shall provide for adjustments in the utilization of land  
16 and in farming practices, through agreements with producers or through other  
17 voluntary methods, and for benefit payments in connection therewith, and also  
18 for such methods of administration not in conflict with any law of this state and  
19 such reports as the Secretary of Agriculture finds necessary for the effective  
20 administration of the plan and for ascertaining whether the plan is being carried  
out according to its terms.]

2 [278.040. Upon the acceptance of each such plan by the Secretary of  
3 Agriculture, the curators, through its treasurer are authorized and empowered to  
4 receive all grants of money made pursuant to said Soil Conservation and  
5 Domestic Allotment Act for the purpose of enabling the state to carry out the  
6 provisions of such plan, and all such funds, together with any moneys which may  
7 be appropriated by the state for such purpose, shall be available to the curators  
8 for expenditures necessary in carrying out the plan, including administrative  
9 expenses, expenditures in connection with educational programs in aid of the  
10 plan, and benefit payments.]

2 [278.050. In carrying out the provisions of each such plan, the curators  
3 shall have power to employ such agent or agencies and to establish such agencies,  
4 as it may find to be necessary; to cooperate with local and state agencies, and  
5 with agencies of other states and of the federal government; to provide for the  
6 conducting of research and to conduct educational activities in connection with  
7 the formulation and operation of such plan; to enter into agreements with the  
8 producers and to provide by other voluntary methods, for adjustments in the  
9 utilization of land and in farming practices, and for payments in connection  
10 therewith in amounts which the curators determine to be fair and reasonable.]

2 [301.273. 1. There is hereby created a "Missouri Highway Reciprocity  
3 Commission" to be composed of the governor, the attorney general, the director  
4 of the division of motor carrier and railroad safety in the department of economic  
5 development, the director of revenue, the superintendent of the Missouri state  
6 highway patrol and the director of the department of transportation, and any  
7 member may designate a qualified employee to act for and in the member's stead  
8 on the commission. The designation shall be made in writing filed with the  
9 commission and may be revoked at any time by the designating official. The  
10 commission shall elect from its members a chairperson and such other officers  
11 as it deems necessary, fix its times and places of meeting and determine its own  
12 procedure. The commission is hereby authorized to appoint a secretary, who  
13 shall have charge of the office of the commission and shall be the custodian of  
14 the records of the commission, and such other employees as shall be necessary  
15 to properly perform the duties of the commission and shall fix the compensation  
16 of such secretary and other employees within the amount appropriated by the  
17 general assembly.

18 2. The commission shall keep written records of the minutes of all  
19 meetings which shall be kept, together with copies of all agreements entered into  
20 and rules and regulations promulgated by the commission, in the office of the  
21 secretary of the commission. Such records shall be public records of the state of  
22 Missouri and shall be open to public inspection. All rules and regulations  
promulgated by the commission shall be filed in the office of the secretary of

23 state and shall take effect and become operative not sooner than ten days after  
24 they are so filed.]

25

2 [301.3112. 1. Any person may receive special license plates as  
3 prescribed by this section, for any motor vehicle such person owns, either solely  
4 or jointly, other than an apportioned motor vehicle or a commercial motor vehicle  
5 licensed in excess of eighteen thousand pounds gross weight, after an annual  
6 contribution of an emblem-use authorization fee to the Friends of the Missouri  
7 Women's Council. Any contribution given pursuant to this section shall be  
8 designated for breast cancer services only. The Friends of the Missouri Women's  
9 Council hereby authorizes the use of its official emblem to be affixed on  
10 multiyear personalized license plates as provided in this section. Any  
11 contribution to the Friends of the Missouri Women's Council derived from this  
12 section, except reasonable administrative costs, shall be used solely for the  
13 purpose of providing breast cancer services. Any person may annually apply for  
14 the use of the emblem.

15 2. Upon annual application and payment of a twenty-five dollar  
16 emblem-use contribution to the Friends of the Missouri Women's Council, the  
17 organization shall issue to the vehicle owner, without further charge, an  
18 emblem-use authorization statement, which shall be presented by the owner to  
19 the department of revenue at the time of registration of a motor vehicle. Upon  
20 presentation of the annual statement, payment of a fifteen dollar fee in addition  
21 to the registration fee and documents which may be required by law, the  
22 department of revenue shall issue to the vehicle owner a personalized license  
23 plate which shall bear the emblem of the Friends of the Missouri Women's  
24 Council and shall bear the words "BREAST CANCER AWARENESS" in place  
25 of the words "SHOW-ME STATE". Such license plates shall be made with fully  
26 reflective material with a common color scheme and design, shall be clearly  
27 visible at night, and shall be aesthetically attractive, as prescribed by section  
28 301.130. Notwithstanding the provisions of section 301.144, no additional fee  
29 shall be charged for the personalization of license plates pursuant to this section.

30 3. A vehicle owner, who was previously issued a plate with the Friends  
31 of the Missouri Women's Council emblem authorized by this section but who  
32 does not provide an emblem-use authorization statement at a subsequent time of  
33 registration, shall be issued a new plate which does not bear the Friends of the  
34 Missouri Women's Council emblem, as otherwise provided by law. The director  
35 of revenue shall make necessary rules and regulations for the administration of  
36 this section, and shall design all necessary forms required by this section. No rule  
37 or portion of a rule promulgated pursuant to the authority of this section shall  
38 become effective unless it has been promulgated pursuant to the provisions of  
39 chapter 536, RSMo.]

2 [307.176. A bus transportation company shall allow the driver or operator  
3 of a bus to temporarily install and operate in the bus a citizens band radio,  
4 technically limited to transmit and receive frequency of 27.065 megahertz and  
5 27.185 megahertz, including earphones, antenna and any necessary equipment  
6 purchased and installed by the licensed driver or operator of the bus.]

2 [307.367. Prior to September 1, 2007, but no earlier than August 1, 2007,  
3 all moneys held in the Missouri air pollution control fund established under  
4 section 307.366 shall be transferred, as deemed necessary by the state treasurer  
5 and commissioner of administration, to the Missouri air emission reduction fund  
6 established in section 643.350, RSMo, to be used for the purposes of  
7 administering and enforcing the provisions of sections 643.300 to 643.355,  
8 RSMo. Prior to such date, any of the moneys in the Missouri air pollution  
9 control fund that are needed to pay any outstanding debt of the Missouri air  
10 pollution control fund, as determined by the state treasurer, shall be exempted  
11 from the provisions of this section. The Missouri air pollution control fund shall  
12 be officially abolished on September 1, 2007.]

2 [311.470. Any druggist may have in his possession intoxicating liquor  
3 purchased by him from a licensed vendor under a license pursuant to this law, or  
4 intoxicating liquor lawfully acquired at the place of acquisition and legally  
5 transported into this state, and lawfully inspected, gauged and labeled as provided  
6 for in this law; such intoxicating liquor to be used in connection with the business  
7 of a druggist, in compounding medicines or as a solvent or preservative; provided,  
8 that nothing in this law shall prevent a regularly licensed druggist, after he  
9 procures a license therefor in compliance with this law, from selling intoxicating  
10 liquor in the original packages, but not to be drunk or the packages opened on the  
11 premises where sold; and provided further, that nothing in this chapter shall be  
12 construed as limiting the right of a physician to prescribe intoxicating liquor in  
13 accordance with his professional judgment for any patient at any time, or prevent  
14 a druggist from selling intoxicating liquor to a person on prescription from a  
15 regularly licensed physician as above provided.]

2 [318.010. The county commission shall have power to license the keepers  
3 of billiard tables and all similar tables upon which balls or cues are used. At each  
4 term, the clerk of said commission shall prepare and deliver to the collector of  
5 their county, as many blank licenses for the keepers of such tables herein  
6 mentioned as the respective commissions shall direct which shall be signed by  
7 the clerk and attested by the seal of the commission.]

2 [318.020. The collector shall deliver to any person who shall have been  
3 licensed, a license to keep any such table mentioned in section 318.010 in their  
respective counties, for a term of twelve months, upon the payment by the

4 applicant of the sum of twenty dollars for each billiard table, and ten dollars for  
5 each other table described in said section, and the collector shall countersign such  
6 license before delivering the same to the applicant; provided, that if the applicant  
7 be the keeper of more than one of such tables, the number may be named in one  
8 license, and in such case the clerk shall not be entitled to more than one fee as  
9 provided in section 318.050.]

10

[318.030. No county commission, city or town authorities shall levy a  
2 greater amount for a license tax on any table mentioned in section 318.010, for  
3 county, city or town purposes, than is allowed for state purposes.]

4

[318.040. The state, county, city or town, as the case may be, shall have  
2 a lien, and a lien is hereby created in their favor, upon any such table mentioned  
3 in section 318.010, to the amount of the licenses thereon; and if any owner or  
4 keeper thereof shall fail or refuse to pay to the respective collectors or other  
5 persons authorized to collect the same, the amounts of the licenses due the state,  
6 county, city or town, within ten days after such table shall be set up, then it shall  
7 be the duty of the respective collectors or persons authorized to collect such  
8 licenses to levy upon and seize such table or tables, and sell the same at public  
9 auction, for cash, to pay the amount of said licenses.]

10

[318.050. The county commissions shall charge the collectors with all  
2 blank licenses delivered to them, and at every regular term shall settle with the  
3 collectors for all such licenses delivered to them, and credit them with all the  
4 blank licenses which they may return, and at the same time the collectors shall  
5 pay the clerk respectively fifty cents for every such blank license not returned.]

6

[318.060. The collector shall stand chargeable with all the blank licenses  
2 not returned, and the county commission at each regular term shall cause the  
3 clerks to certify to the state auditor the amounts with which the collectors stand  
4 chargeable, who shall charge the respective collectors accordingly.]

5

[318.070. This chapter shall not apply to any person having set up in his  
2 own private residence any one of such tables mentioned in section 318.010, when  
3 used for his own private use, and for the use of his family, nor to clubs where  
4 pool, billiard and other tables are used exclusively for club members and upon  
5 which no charge for playing is made.]

6

[318.080. Every person who shall keep or permit to be kept or used any  
2 one or more of the tables mentioned in section 318.010, without having a license  
3 therefor, shall forfeit and pay not less than fifty nor more than four hundred  
4 dollars, to be recovered by indictment or information.]

5

2 [318.090. 1. No licensed keeper of any table described in section  
3 318.010 shall allow any person under the age of sixteen years to play on any such  
4 table without first having obtained the permission of such person's parent or  
5 guardian.

6 2. No licensed keeper of any table described in section 318.010 who  
7 serves alcoholic beverages or intoxicating wines and liquors in the establishment  
8 where the table is found shall allow any person under the age of twenty-one years  
9 to play upon such table; provided, however, that this subsection shall not apply  
10 to establishments where such tables described in section 318.010 are separate  
11 from the location where alcoholic beverages are served.

12 3. Any person who violates this section is guilty of an infraction for each  
13 violation.]

2 [318.100. Every licensed keeper of one or more such tables mentioned  
3 in section 318.010 shall display in the room where the same is placed one or  
4 more placards, having section 318.090 conspicuously posted and printed thereon,  
5 in letters not smaller than ten-point type, for the information of players.]

2 [340.290. No judicial or administrative proceeding pending prior to  
3 August 28, 1992, shall be abated as a result of the repeal of chapter 340 and the  
4 enactment of sections 340.200 to 340.330.]

2 [342.010. No person shall be authorized to manage, control or take  
3 charge of or act as engineer of any steam boiler, engine or apparatus, in any city  
4 in the state of Missouri having over twenty thousand inhabitants, who has not the  
5 requisite knowledge and ability to manage the same with safety to the lives and  
6 property of the inhabitants of such cities. No person shall be authorized to act as  
7 inspector of stationary steam engines, boilers or apparatus in any of the cities  
8 mentioned in this section who has not the qualifications herein mentioned. Any  
9 person who shall manage, control or take charge of or act as engineer of any  
10 steam boiler, engine or apparatus as indicated in this section, who shall not be a  
11 duly qualified engineer, shall be deemed to be guilty of a misdemeanor, and on  
12 conviction shall be fined not less than ten nor more than five hundred dollars.]

2 [342.020. Any incorporated association of qualified local steam engineers  
3 in any city as mentioned in section 342.010 shall be authorized to grant  
4 certificates of qualification to all persons who duly pass an examination before  
5 a committee of examiners, to be appointed by any such corporation, and are  
6 found competent to manage such steam engines, boilers and apparatus as  
7 mentioned in said section 342.010, such certificates to be signed by the  
8 examining committee, and to be issued under the signature of the president and  
the seal of said corporation, any such certificate to be prima facie evidence of the

9 qualifications of the person to whom it is issued; no charge to be made for any  
10 such certificate, however, exceeding one dollar.]

11

2 [374.208. The director shall study and recommend to the general  
3 assembly changes to avoid unnecessary duplication of market conduct activities  
4 and to implement uniform processes and procedures for market analysis and  
5 market conduct examinations which will more effectively utilize resources to  
6 protect insurance consumers. The study shall be completed and  
7 recommendations provided by January 1, 2008.]

7

2 [376.990. The board of directors of the state health insurance pool is  
3 hereby directed to conduct a study regarding the financing of the state health  
4 insurance pool. Such study shall include, but not be limited to, research and  
5 findings of how other states finance their state high-risk pools. The study shall  
6 consider alternative assessment approaches to the current assessment method  
7 employed in section 376.975. In addition to studying alternative financing  
8 mechanisms employed by other state high-risk pools, the board shall explore the  
9 ramifications of eliminating or reducing a carrier's ability to offset their  
10 assessments against their premium tax liability. The polestar of the study shall  
11 be establishing a stable funding source for the Missouri state health insurance  
12 pool while providing adequate health insurance coverage to Missouri's  
13 uninsurable population. The board of directors of the state health insurance pool  
14 shall submit a report of its findings and recommendations to each member of the  
15 general assembly no later than January 1, 2008.]

15

2 [386.220. The commission may engage in any conferences with officials  
3 of any and all other states and the District of Columbia, territories and  
4 possessions of the United States and foreign countries for the purpose of  
5 promoting, entering into, and establishing fair and equitable reciprocal  
6 agreements or arrangements that in the judgment of the commission are proper,  
7 expedient, fair, and equitable and in the interest of the state of Missouri and the  
8 citizens thereof to the end that any motor carrier of passengers or property which  
9 operates motor vehicles and trailers into, out of, or through this state as a for hire  
10 motor carrier and which has paid all regulatory fees required by the state, District  
11 of Columbia, territory or possession of the United States or foreign country where  
12 the motor vehicles and trailers are duly licensed or registered pursuant to an  
13 agreement or arrangement entered into by the Missouri highway reciprocity  
14 commission, or if no such agreement or arrangement has been entered into, where  
15 the owner is a resident, shall not be required to pay fees prescribed in section  
16 390.136, RSMo; but the provisions of this section shall be operative as to a motor  
17 vehicle and trailer duly licensed or registered in a state, District of Columbia,  
18 territory or possession of the United States or foreign country pursuant to an  
agreement or arrangement entered into by the Missouri highway reciprocity

19 commission and if no such agreement or arrangement has been entered into,  
20 where the owner is a resident, upon which all regulatory fees have been paid,  
21 when operated for hire in Missouri only to the extent that, under the laws of the  
22 state, District of Columbia, territory or possession of the United States or foreign  
23 country, wherein such motor vehicle and trailer are registered like exemptions are  
24 granted motor vehicles and trailers duly licensed or registered in Missouri which  
25 may be conducting similar motor carrier operations for hire in such other state,  
26 District of Columbia, territory or possession of the United States, or foreign  
27 country.]  
28

2 [389.440. 1. Every individual, company or corporation owning,  
3 managing or operating, or who may hereafter own, manage or operate any  
4 railroad or part of a railroad over bridges or through tunnels, as well as elsewhere,  
5 in this state, who carry passengers or whose duty it is to carry livestock as a  
6 common carrier, are hereby required to furnish to all shippers of livestock, having  
7 a right to accompany the same, a caboose or other suitable car for the  
8 transportation of such shipper or shippers to the actual place of unloading such  
9 shipments.

10 2. And said owners or shippers shall be carried and furnished free  
11 transportation to the place of destination and return; provided, that only one man  
12 or person shall be carried free of charge for each consignment or shipment; and  
13 be it further provided, that all such cabooses or cars on such trains shall be  
14 furnished with a toilet room for the accommodation of passengers.

15 3. Any railroad, corporation or company doing business in this state  
16 refusing or failing to comply with the requirements of this section shall be  
17 deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in  
18 a sum not less than one hundred dollars nor more than five hundred dollars for  
19 each day's negligence or refusing to comply with the requirements of this section  
20 after the enactment and passage of the same as required by law, and all moneys  
21 arising as such fine shall revert to the public school fund of this state.]

2 [389.450. Any individual, company or corporation violating the  
3 provisions of section 389.440 shall, upon conviction thereof, be deemed guilty  
4 of a misdemeanor, and fined in any sum of not less than fifty nor more than five  
5 hundred dollars.]

2 [389.880. It shall be unlawful for any person, firm or corporation,  
3 operating a line of steam railroad in this state, to use or permit to be used within  
4 the state of Missouri, any steam locomotive engine, between the first day of  
5 October and the first day of April of the next succeeding year, unless the inside  
6 of the cab on such locomotive engine shall be supplied and equipped with not  
7 less than sixteen square feet of heating radiation on each side thereof; and unless  
such locomotive engine shall be supplied and equipped with suitable curtain or

8 curtains, to be located between the tender and cab of such locomotive engine, in  
9 such manner as to exclude the rain, snow or wind from entering the cab thereof,  
10 nor unless any openings in the deck, running board or floor of such cab or the  
11 openings or windows in the sides and front of such cab shall be constructed so  
12 that said openings or windows may be so securely closed as to prevent as nearly  
13 as practicable wind, snow or rain from entering said openings or windows.]  
14

[389.890. It shall be unlawful for any person, firm or corporation,  
2 operating a steam railroad within the state, after the first day of August, 1913, to  
3 use or permit to be used any locomotive engine within the state of Missouri,  
4 unless such locomotive engine shall be equipped with a seat on each side of the  
5 cab thereof, which seats shall consist of a series of spiral, coil or elastic springs,  
6 on the top of which shall be constructed a padding or cushion consisting of  
7 leather or a suitable substitute thereof, stuffed or packed with hair, moss or other  
8 suitable material commonly used for such purpose, which said seat, including the  
9 springs thereof, shall not be greater than six nor less than four inches in  
10 thickness.]  
11

[389.895. 1. It shall be unlawful for any person, firm, company,  
2 corporation, operating a railroad as a common carrier in this state, to hereafter  
3 build and put into operation, any car used as a caboose which does not conform  
4 to the requirements of this section.

5 2. Wherever glass or glazing materials are used in partitions, doors,  
6 windows, or wind deflectors, it shall be of the safety glass type. For the purpose  
7 of this subsection, safety glass is any type of glass or glazing material so  
8 manufactured, fabricated, treated or combined with other materials as to reduce,  
9 in comparison with ordinary sheet glass or plate glass, the likelihood of injury to  
10 persons by objects, other external sources, or by glass or glazing material when  
11 the same is cracked or broken.

12 3. This section shall not apply to a caboose operated wholly within yard  
13 limits.

14 4. The motor carrier and railroad safety division of the department of  
15 economic development of Missouri shall be empowered to enforce the foregoing  
16 subsections and prosecute any violation thereof.]  
17

[400.9-118. The secretary of state may collect an additional fee of five  
2 dollars on each and every fee paid to the secretary of state as required in chapter  
3 400.9. All fees collected as provided in this section shall be deposited in the state  
4 treasury and credited to the secretary of state's technology trust fund account.  
5 The provisions of this section shall expire on December 31, 2009.]  
6

[402.225. The provisions of sections 402.200 to 402.220 shall be  
2 effective upon a determination by the department of mental health and

3 notification to the revisor of statutes that there has been federal legislative or  
4 administrative assurance that participation in the trust as established herein will  
5 not jeopardize a beneficiary's eligibility for public assistance and will not reduce  
6 the payment of covered services for which the beneficiary is eligible, and not  
7 otherwise.]  
8

2 [454.010. The purposes of sections 454.010 to 454.360 are to improve  
3 and extend by reciprocal legislation the enforcement of duties of support and to  
4 make uniform the law with respect thereto.]

2 [454.020. In sections 454.010 to 454.360 unless the context otherwise  
3 requires:

3 (1) "Certification" shall be in accordance with the laws of the certifying  
4 state.

5 (2) "Court" means the circuit court of this state and, when the context  
6 requires, means the court of any other state as defined in a substantially similar  
7 reciprocal law.

8 (3) "Duty of support" includes any duty of support imposed or imposable  
9 by law, or by any court order, decree or judgment, whether interlocutory or final,  
10 whether incidental to a proceeding for divorce, legal separation, separate  
11 maintenance or otherwise, and includes the duty to pay arrearages of support  
12 payments which are past due and unpaid.

13 (4) "Governor" includes any person performing the functions of governor  
14 or the executive authority of any territory covered by the provisions of sections  
15 454.010 to 454.360.

16 (5) "Initiating court" means the court in which a proceeding is  
17 commenced.

18 (6) "Initiating state" means any state in which a proceeding pursuant to  
19 this or a substantially similar reciprocal law is commenced.

20 (7) "Law" includes both common and statute law.

21 (8) "Obligee" means any person to whom a duty of support is owed and  
22 a state or political subdivision thereof.

23 (9) "Obligor" means any person owing a duty of support.

24 (10) "Register" means to file in the Registry of Foreign Support Orders  
25 as required by the court.

26 (11) "Registering court" means any court of this state in which the  
27 support order of the rendering state is registered.

28 (12) "Rendering state" means any state in which a support order is  
29 originally entered.

30 (13) "Responding court" means the court in which the responsive  
31 proceeding is commenced.

32 (14) "Responding state" means any state in which any proceeding  
33 pursuant to the proceeding in the initiating state is or may be commenced.

34 (15) "State" includes any state, territory, or possession of the United  
35 States, the District of Columbia, and any foreign jurisdiction in which this or a  
36 substantially similar reciprocal law has been enacted.

37 (16) "Support order" means any judgment, decree or order of support,  
38 whether temporary or final, whether subject to modification, revocation or  
39 remission, regardless of the kind of action in which it is entered.]  
40

2 [454.030. The remedies herein provided are in addition to and not in  
substitution for any other remedies.]  
3

2 [454.040. Duties of support arising under the law of this state, when  
applicable under section 454.070, bind the obligor, present in this state,  
3 regardless of the presence or residence of the obligee.]  
4

[454.050. The governor of this state may:

2 (1) Demand from the governor of any other state the surrender of any  
3 person found in such other state who is charged in this state with the crime of  
4 failing to provide for the support of any person in this state;

5 (2) Surrender on demand by the governor of any other state any person  
6 found in this state who is charged in such other state with the crime of failing to  
7 provide for the support of any person in such other state. The provisions for  
8 extradition of criminals not inconsistent herewith shall apply to any such demand  
9 although the person whose surrender is demanded was not in the demanding state  
10 at the time of the commission of the crime and although he had not fled  
11 therefrom. Neither the demand, the oath nor any proceedings for extradition  
12 pursuant to this section need state or show that the person whose surrender is  
13 demanded has fled from justice, or at the time of the commission of the crime  
14 was in the demanding or other state.]  
15

2 [454.060. 1. Before making the demand on the governor of any other  
state for the surrender of a person charged in this state with the crime of failing  
3 to provide for the support of any person, the governor of this state may require  
4 any prosecuting attorney of this state to satisfy him that at least sixty days prior  
5 thereto the obligee brought an action for the support under sections 454.010 to  
6 454.360, or that the bringing of an action would be of no avail.

7 2. When under this or a substantially similar law, a demand is made upon  
8 the governor of this state by the governor of another state for the surrender of a  
9 person charged in the other state with the crime of failing to provide support, the  
10 governor may call upon any prosecuting attorney to investigate or assist in  
11 investigating the demand, and to report to him whether any action for support has  
12 been brought under sections 454.010 to 454.360 or would be effective.

13                   3. If an action for the support would be effective and no action has been  
14 brought, the governor may delay honoring the demand for a reasonable time to  
15 permit prosecution of an action for support.

16                   4. If an action for support has been brought and the person demanded has  
17 prevailed in that action, the governor may decline to honor the demand.

18                   5. If an action for support has been brought and pursuant thereto the  
19 person demanded is subject to a support order, the governor may decline to honor  
20 the demand so long as the person demanded is complying with the support order.]  
21

2                   [454.070. Duties of support applicable under this law are those imposed  
3 or imposable under the laws of any state where the obligor was present during the  
4 period for which support is sought. The obligor is presumed to have been present  
5 in the responding state during the period for which support is sought until  
6 otherwise shown.]

2                   [454.080. Whenever the state or a political subdivision thereof furnishes  
3 support to an obligee, it has the same right to invoke the provisions hereof as the  
4 obligee to whom the support was furnished for the purpose of securing  
5 reimbursement of expenditures so made and of obtaining continuing support.  
6 The state also may recover arrearages owed to the obligee under a court order or  
7 judgment and assigned to the state as a condition of eligibility for benefits under  
8 the aid to families with dependent children program.]

2                   [454.090. All duties of support, including the duty to pay arrearages, are  
3 enforceable by a proceeding under the provisions of sections 454.010 to 454.360,  
4 including a proceeding for civil contempt. The defense that the parties are  
5 immune to suit because of their relationship as husband and wife or parent and  
6 child is not available to the obligor.]

2                   [454.100. Jurisdiction of all proceedings hereunder is vested in the circuit  
3 court. Such proceedings shall be heard by a circuit judge, except that said  
4 proceedings may be heard by an associate circuit judge if he is assigned to hear  
5 such case or class of cases or if he is transferred to hear such case or class of  
6 cases pursuant to other provisions of law or section 6 of article V of the  
7 constitution.]

2                   [454.105. Participation in any proceeding under sections 454.010 to  
3 454.360 does not confer jurisdiction upon any court over any of the parties  
4 thereto in any other proceeding.]

2                   [454.110. The petition shall be verified and shall state the name and, so  
3 far as known to the plaintiff, the address and circumstances of the defendant and  
his dependents for whom support is sought and all other pertinent information.

4 The plaintiff may include in or attach to the petition any information which may  
5 help in locating or identifying the defendant such as a photograph of the  
6 defendant, a description of any distinguishing marks of his person, other names  
7 and aliases by which he has been or is known, the name of his employer, his  
8 fingerprints, or Social Security number.]  
9

2 [454.120. The prosecuting attorney upon the request of the court or of the  
3 state division of family services shall represent the plaintiff in any proceeding  
4 under sections 454.010 to 454.360.]

2 [454.130. A petition on behalf of a minor obligee may be brought by a  
3 person having legal custody of the minor without appointment as guardian ad  
4 litem.]

2 [454.140. If the court of this state acting as an initiating state finds that  
3 the petition sets forth facts from which it may be determined that the defendant  
4 owes a duty of support and that a court of the responding state may obtain  
5 jurisdiction of the defendant or his property, it shall so certify and shall cause  
6 three copies of (1) the petition, (2) its certificate and (3) sections 454.010 to  
7 454.360 to be transmitted to the court in the responding state. If the name and  
8 address of such court is unknown and the responding state has an information  
9 agency comparable to that established in the initiating state it shall cause such  
10 copies to be transmitted to the state information agency or other proper official  
11 of the responding state, with a request that it forward them to the proper court,  
12 and that the court of the responding state acknowledge their receipt to the court  
13 of the initiating state.]

2 [454.150. An initiating court shall not require the payment of either a  
3 filing fee or other costs from the obligee, but may request the responding court  
4 to collect fees and costs from the obligor. A responding court shall not require  
5 the payment of a filing fee or other costs from the obligee, but it may direct that  
6 all fees and costs requested by the initiating court and incurred in this state when  
7 acting as a responding state be paid in whole or in part by the obligor or by the  
8 appropriate county of the initiating state. These costs or fees do not have priority  
9 over amounts due to the obligee.]

2 [454.160. If a court of this state believes that the obligor may flee, it may:  
3 (1) As an initiating court, request in its certificate that the responding  
4 court obtain the body of the obligor by appropriate process; or  
5 (2) As a responding court, obtain the body of the obligor by appropriate  
6 process. Thereupon it may release him upon his own recognizance or upon his  
7 giving a bond in an amount set by the court to assure his appearance at the  
8 hearing.]

[454.170. The division of family services is hereby designated as the "state information agency" under sections 454.010 to 454.360, and it shall:

(1) Compile a list of the courts and their addresses in this state having jurisdiction under sections 454.010 to 454.360 and transmit the same to the state information agency of every other state which has adopted this or a substantially similar law, and

(2) Maintain a register of such lists received from other states and transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under sections 454.010 to 454.360.]

[454.180. 1. After the court of this state acting as a responding state has received from the court of the initiating state the aforesaid copies the clerk of the court shall docket the cause and notify the prosecuting attorney of his action.

2. It shall be the duty of the prosecuting attorney diligently to prosecute the case. He shall take all action necessary in accordance with the laws of this state to give the court jurisdiction of the defendant or his property and shall request the court to set a time and place for a hearing.]

[454.190. 1. The prosecuting attorney shall, on his own initiative, use all means at his disposal to trace the defendant or his property and if, due to inaccuracies of the petition or otherwise, the court cannot obtain jurisdiction, the prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the court in the initiating state.

2. If the defendant or his property is not found in the county and the prosecuting attorney discovers by any means that the defendant or his property may be found in another county of this state or in another state he shall so inform the court and thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that it forward the documents to the proper court. Thereupon both the court of the other county and any court of this state receiving the documents and the prosecuting attorney have the same powers and duties under sections 454.010 to 454.360 as if the documents had been originally addressed to them. When the clerk of a court of this state retransmits documents to another court, he shall notify forthwith the court from which the documents came.

3. If the prosecuting attorney has no information as to the whereabouts of the obligor or his property he shall so inform the initiating court.]

[454.200. 1. If the obligee is not present at the hearing and the obligor denies owing the duty of support alleged in the petition or offers evidence constituting a defense, the court, upon the request of either party, shall continue

4 the hearing to permit evidence relative to the duty of support to be introduced by  
5 either party by deposition or by appearing in person before the court. The court  
6 may designate the judge of the initiating court as a person before whom a  
7 deposition may be taken.

8 2. If the action is based on a support order issued by another court, a  
9 certified copy of the order shall be received as evidence of the duty of support,  
10 subject only to any defenses available to an obligor with respect to paternity or  
11 to a defendant in an action or a proceeding to enforce a foreign money judgment.

12 3. If the obligor asserts as a defense that he is not the father of the child  
13 for whom support is sought and it appears to the court that the defense is not  
14 frivolous, and, if both of the parties are present at the hearing or the proof  
15 required in the case indicates that the presence of either or both of the parties is  
16 not necessary, the court may adjudicate the paternity issue; otherwise, the court  
17 may adjourn the hearing until the paternity issue has been adjudicated.

18 4. In any proceeding under sections 454.010 to 454.360 in which  
19 paternity is at issue, the provisions of sections 210.822 and 210.834, RSMo, shall  
20 apply.]

21

2 [454.210. Laws attaching a privilege against the disclosure of  
3 communications between husband and wife are inapplicable to proceedings under  
4 sections 454.010 to 454.360. Husband and wife are competent witnesses to  
5 testify to any relevant matter, including marriage and parentage.]

5

2 [454.220. If the court of the responding state finds a duty of support, it  
3 may order the defendant to furnish support or reimbursement therefor and subject  
4 the property of the defendant to such order.]

4

2 [454.230. The court of this state when acting as a responding state shall  
3 cause to be transmitted to the court of the initiating state a copy of all orders of  
4 support or for reimbursement therefor.]

4

2 [454.240. In addition to the foregoing powers, the court of this state when  
3 acting as the responding state has the power to subject the defendant to such  
4 terms and conditions as the court may deem proper to assure compliance with its  
5 orders and in particular:

6 (1) To require the defendant to furnish recognizance in the form of a cash  
7 deposit or bond of such character and in such amount as the court may deem  
8 proper to assure payment of any amount required to be paid by the defendant;

9 (2) To require the defendant to make payments at specified intervals to  
10 the clerk of the court and to report personally to such clerk at such times as may  
be deemed necessary;

11 (3) To punish the defendant who shall violate any order of the court to  
12 the same extent as is provided by law for contempt of the court in any other suit  
13 or proceeding cognizable by the court; and

14 (4) To impose a withholding order against the wages or other income of  
15 the defendant pursuant to section 452.350, RSMo.]  
16

[454.250. The court of this state when acting as a responding state shall  
2 have the following duties which may be carried out through the clerk of the court:

3 (1) Upon the receipt of a payment made by the defendant pursuant to any  
4 order of the court or otherwise, to transmit the same forthwith to the court of the  
5 initiating state, and

6 (2) Upon request, to furnish to the court of the initiating state a certified  
7 statement of all payments made by the defendant.]  
8

[454.260. The courts of this state when acting as an initiating state shall  
2 have the duty which may be carried out through the clerk of the court to receive  
3 and disburse forthwith all payments made by the defendant or transmitted by the  
4 court of the responding state.]  
5

[454.270. A responding court shall not stay the proceeding or refuse a  
2 hearing under the provisions contained in sections 454.010 to 454.360 because  
3 of any pending or prior action or proceeding for divorce, separation, annulment,  
4 dissolution, habeas corpus, adoption, or custody in this or any other state. The  
5 court shall hold a hearing and may issue a support order pendente lite. In aid  
6 thereof, it may require the obligor to give a bond for the prompt prosecution of  
7 the pending proceeding. If the other action or proceeding is concluded before the  
8 hearing in the instant proceeding and the judgment therein provides for the  
9 support demanded in the petition pending, the court before which such petition  
10 is pending may conform its support order to the amount allowed in the other  
11 action or proceeding. Thereafter, such court shall not stay enforcement of its  
12 support order because of the retention of jurisdiction for enforcement purposes  
13 by the court in the other action or proceeding.]  
14

[454.275. If the director of the division of family services is of the  
2 opinion that a support order is erroneous and presents a question of law  
3 warranting an appeal in the public interest, he may perfect an appeal to the proper  
4 appellate court if the support order was issued by a court of this state.]  
5

[454.280. No order of support issued by a court of this state when acting  
2 as a responding state shall supersede any other order of support but the amounts  
3 for a particular period paid pursuant to either order shall be credited against  
4 amounts accruing or accrued for the same period under both.]  
5

2 [454.290. If the duty of support is based on a foreign support order, the  
3 obligee has the additional remedies provided in the following sections.]

2 [454.300. The obligee may register the foreign support order in a court  
3 of this state in the manner, with the effect and for the purposes herein provided.]

2 [454.310. The clerk of the court shall maintain a Registry of Foreign  
3 Support Orders in which he shall file foreign support orders.]

2 [454.320. The petition for registration shall be verified and shall set forth  
3 the amount remaining unpaid and a list of any other states in which the support  
4 order is registered and shall have attached to it a certified copy of the support  
5 order with all modifications thereof. The foreign support order is registered upon  
6 the filing of the petition subject only to subsequent order of confirmation.]

2 [454.330. The procedure to obtain jurisdiction of the person or property  
3 of the obligor shall be as provided in civil cases. The obligor may assert any  
4 defense available to a defendant in an action on a foreign judgment. If the  
5 obligor defaults, the court shall enter an order confirming the registered support  
6 order and determining the amounts remaining unpaid. If the obligor appears and  
7 a hearing is held, the court shall adjudicate the issues including the amounts  
8 remaining unpaid.]

2 [454.340. The support order as confirmed shall have the same effect and  
3 may be enforced as if originally entered in the court of this state. The procedures  
4 for the enforcement thereof shall be as in civil cases.]

2 [454.350. This law shall be so construed as to effectuate its general  
3 purpose to make uniform the law of those states which enact it.]

2 [454.355. The provisions contained in sections 454.010 to 454.360 apply  
3 if both the obligee and the obligor are in this state but in different counties, or if  
4 both the obligor and obligee are residents of the same county. If the court of the  
5 county in which the petition is filed finds that the petition sets forth facts from  
6 which it may be determined that the obligor owes a duty of support and finds that  
7 a court of another county in this state may obtain jurisdiction over the obligor or  
8 his property, the clerk of the court shall send the petition and a certification of the  
9 findings to the court of the county in which the obligor or his property is found.  
10 The clerk of the court of the county receiving these documents shall notify the  
11 prosecuting attorney of their receipt. The prosecuting attorney and the court in  
12 the county to which the copies are forwarded shall then have duties  
13 corresponding to those imposed upon them when acting for this state as a  
responding state, including, but not limited to, the registration of an order for

14 support entered by another court within this state. Such a registered order shall  
15 have the same effect and may be enforced as if originally entered by the court of  
16 the responding county.]  
17

2 [454.360. Sections 454.010 to 454.360 may be cited as the "Uniform  
3 Reciprocal Enforcement of Support Law". In all cases filed by Missouri or  
4 received by Missouri under the provisions of the uniform reciprocal enforcement  
5 of support act, sections 454.010 to 454.360, prior to January 1, 1997, the  
6 provisions of the uniform reciprocal enforcement of support act, sections 454.010  
7 to 454.360, shall continue to apply. In all other cases, the provisions of the  
8 uniform interstate family support act, sections 454.850 to 454.980, shall apply.]

2 [454.800. As used in sections 454.800 to 454.808, the following terms  
3 mean:

4 (1) "Advance planning documents", a series of documents including  
5 updates covering the various phases of the project submitted to the federal Office  
6 of Child Support Enforcement for review and approval;

7 (2) "Project" or "system", the comprehensive, statewide automated  
8 system developed and implemented by the division of child support enforcement  
9 in compliance with section 454 of the Social Security Act (42 U.S.C. 654);

10 (3) "Steering committee", the statewide automated system steering  
11 committee.]

2 [454.802. The director of the department of social services shall appoint  
3 a "Statewide Automated System Steering Committee", which shall be composed  
4 of the following members:

5 (1) The state courts administrator or his designee;

6 (2) The director of the department of social services or his designee;

7 (3) The director of the division of child support enforcement or his  
8 designee;

9 (4) The director of the division of family services or his designee;

10 (5) The director of the division of data processing of the department of  
11 social services or his designee;

12 (6) Three or more prosecuting attorneys or their designees. Such  
13 prosecuting attorneys shall be appointed from a list submitted to the director from  
14 the Missouri office of prosecution services;

15 (7) Two or more circuit clerks or their designees;

16 (8) Three or more representatives from the private sector, two of whom  
17 shall be representatives of business and one of whom shall be a custodial parent;  
18 and

19 (9) Such other interested parties as the director may deem appropriate.]  
20

2 [454.804. Steering committee members shall serve as long as they hold  
3 the position that made them eligible for the membership on the steering  
4 committee, or until they are replaced by the director of the department of social  
5 services. Members shall serve without additional compensation, but may be  
6 reimbursed for all actual and necessary expenses incurred in the performance of  
7 their official duties for the commission.]

2 [454.806. The steering committee shall advise the department of social  
3 services regarding the development and implementation of a comprehensive  
4 statewide automated system for child support enforcement that meets all  
5 functional requirements for federal funding under 42 U.S.C. 654. The automated  
6 system shall not alter program functions delegated to the department of social  
7 services, prosecuting attorneys, circuit attorneys, and circuit clerks by chapters  
8 208, 210, 452, and 454, RSMo. The system shall be the sole child support  
9 enforcement system undertaken by the state.]

2 [460.100. Such trustee may sue for and recover, in his own name, any of  
3 the estate, property or effects belonging to, and all debts and sums of money due,  
4 or to become due, to such imprisoned convict, and may prosecute and defend all  
5 actions commenced by or against such convict. By leave of court, such trustee  
6 may employ counsel and, subject to court approval, pay reasonable attorney fees  
7 and expenses of litigation, to prosecute or defend such actions.]

2 [460.250. The trustee shall be allowed reasonable compensation to be  
3 determined by the court together with expenses of administration to be paid from  
4 the trust estate.]

2 [490.610. A copy of the enrollment of any steamboat in any customhouse  
3 or in the office of any surveyor and inspector of customs, duly certified by the  
4 proper officer, shall, as against the persons described as owners of such  
5 steamboat in such enrollment, be prima facie evidence that they are the owners  
6 thereof.]

2 [620.155. There is hereby established the "Missouri Rural Economic  
3 Development Council". The council shall consist of six members, including the  
4 lieutenant governor, the director of the department of agriculture, the director of  
5 the department of economic development, and the director of the extension  
6 division of the University of Missouri. The other two members shall be one  
7 senator appointed by the president pro tem of the senate and one representative  
8 appointed by the speaker of the house of representatives.]

2 [620.156. Members of the council shall not be compensated for their  
3 services, but they shall be reimbursed for actual and necessary expenses incurred

3 in the performance of their duties. The members of the council shall organize by  
4 electing one member as chairman and another as vice chairman. Such officers  
5 shall serve for terms of two years. The office of rural development of the  
6 department of economic development, established by section 620.161, shall  
7 provide staff to the council to aid it in the performance of its duties.]  
8

2 [620.157. The specific duties of the Missouri rural economic  
development council shall include, but not be limited to, the following:

3 (1) Investigate and evaluate new methods to enhance rural economic  
4 development in Missouri;

5 (2) Aid in the development of rural economic diversification through  
6 private enterprises, including technologically innovative industries and  
7 value-added manufacturing;

8 (3) Adopt a comprehensive state rural investment guide;

9 (4) Make investments in rural economic development projects to  
10 stimulate rural development and diversification, including investments in applied  
11 technological research and agricultural technology assistance and transfer, as  
12 allowed by appropriations provided by the general assembly;

13 (5) Make recommendations to the office of rural development for the  
14 award of grants-in-aid under the rural communities assistance program, as  
15 provided for in section 620.163;

16 (6) Assist existing businesses and encourage new businesses which  
17 promote resource recovery, waste minimalization, and recycling.]  
18

2 [620.158. 1. The council, after appropriate study, shall adopt a  
comprehensive state rural investment guide consisting of policy statements,  
3 objectives, standards, and program criteria to guide state agencies in establishing  
4 and implementing programs relating to rural development. The guide must  
5 recognize the community and economic needs, and food and agricultural policy,  
6 and the resources of rural Missouri, and provide a plan to coordinate and allocate  
7 public and private resources to the rural areas of the state. The council shall  
8 submit the guide to the appropriate committees of the general assembly.

9 2. Sections 620.155 to 620.158 shall expire on June 30, 2010.]  
10

2 [620.160. As used in sections 620.160 to 620.165, the following terms  
mean:

3 (1) "Rural community", any city, town, or village having a population of  
4 fewer than fifteen thousand inhabitants located in a county that is not part of a  
5 standard metropolitan statistical area as defined by the United States Department  
6 of Commerce or its successor agency. However, any such city, town or village  
7 located in a county so defined as a standard metropolitan statistical area may be  
8 designated a rural community by the office of rural development if a substantial  
9 number of persons in such county derive their income from agriculture and in any

10 county where there is only one city within the county which has a population of  
11 more than fifteen thousand and which classifies as a standard metropolitan  
12 statistical area, all other cities, towns and villages in that county having a  
13 population of less than fifteen thousand shall be designated as a rural community;

14 (2) "Sponsoring organization", any city government, county commission,  
15 or industrial development corporation authorized by chapter 349, RSMo, located  
16 in a county specified in subdivision (1) of this section.]  
17

[620.161. 1. There is hereby created within the department of economic  
2 development an "Office of Rural Development". The office of rural development  
3 shall be under the supervision and control of a director, who shall be appointed  
4 by the director of the department of economic development. Until June 30, 2000,  
5 the office of rural development shall be responsible for providing staff support  
6 to the Missouri rural economic development council. The office shall assist  
7 qualifying rural communities located in this state to achieve the following goals,  
8 which are listed in order of priority:

9 (1) Assist existing businesses and employers to ensure their viability  
10 within the rural communities;

11 (2) Assist existing businesses and employers in job creation and  
12 expansion within the communities and assist in the identification of financing  
13 alternatives;

14 (3) Provide assistance to communities in attracting new employers;

15 (4) Assist existing businesses and encourage new businesses which  
16 promote resource recovery, waste minimalization, and recycling.

17 2. Subject to appropriations by the general assembly, the director of the  
18 office of rural development shall employ support staff that he deems necessary  
19 to administer this act.]  
20

[620.163. 1. There is hereby established a "Rural Communities  
2 Economic Assistance Program", which shall be administered by the office of  
3 rural development. Under the auspices of the rural communities economic  
4 assistance program and, until June 30, 2000, with the recommendations of the  
5 Missouri rural economic development council, the office of rural development  
6 shall have the authority, until June 30, 2010, to make available to qualifying rural  
7 communities grants-in-aid designed to achieve the goals stated in subsection 1  
8 of section 620.161. The grants-in-aid awarded pursuant to this authority may be  
9 funded out of the general revenue fund or from any other available source  
10 allowed by law.

11 2. The office of rural development shall take applications for  
12 grants-in-aid from sponsoring organizations on behalf of rural communities. The  
13 applications shall be designed by the office of rural development and shall  
14 contain information necessary to determine the potential economic benefits of

15 grants-in-aid to be awarded, as well as other information deemed necessary for  
16 the administration of this program.

17 3. The grants-in-aid to be awarded under the rural communities economic  
18 development assistance program shall be distributed to not more than twenty  
19 communities chosen by the office of rural development with the  
20 recommendations of the Missouri rural economic development council so long  
21 as it exists from the applications received prior to February twenty-eighth of each  
22 year. The grants-in-aid shall be distributed on July first of each year to such  
23 communities in an amount not to exceed thirty thousand dollars per community.  
24 No community may receive grants-in-aid for more than two consecutive years.  
25 In order to qualify for a grant-in-aid from the office of rural economic  
26 development, each community must match the amount of the grant with local  
27 funds equal to one-third of the grant-in-aid.

28 4. The sponsoring organization of each community chosen to receive a  
29 grant-in-aid from the office of rural economic development shall provide the  
30 community with equipment, office space, telephone service, stationery, and such  
31 other office supplies and services as are necessary to accomplish the goals set  
32 forth in subsection 1 of section 620.161 and in the application submitted to the  
33 office of rural economic development. The provision of such supplies and  
34 services by the sponsoring organization may be used to meet the one-third fund  
35 match requirement set forth in subsection 3 of this section.]  
36

2 [620.164. 1. Communities receiving grants-in-aid under the rural  
3 communities economic assistance program shall hire such personnel as are  
4 necessary to administer a program designed to bring about economic  
5 development in the community. Such personnel shall coordinate with the  
6 sponsoring organization or its contractual designee pursuant to subsection 2 of  
7 this section to maximize the utilization of funds and resources. Such personnel  
8 shall work toward achieving the goals of the office of rural development within  
9 the community and shall also assist in the development of and investment  
10 opportunities within the community, and shall generally encourage  
11 entrepreneurship within the community. The office of rural development shall  
12 encourage the communities to continue to fund local development offices after  
13 the expiration of the program grants-in-aid for their communities. As nearly as  
14 possible, the office of rural development shall require communities receiving  
15 such grants-in-aid to cooperate with adjacent rural communities in an effort to  
16 stimulate regional economic development.

17 2. Sponsoring organizations may enter into contracts with chambers of  
18 commerce, regional planning commissions as defined in chapter 251, RSMo, or  
19 other entities involved in economic development approved by the council to  
20 provide for the administration of grants-in-aid made pursuant to this act.]

2 [620.165. 1. The office of rural development shall furnish technical  
3 assistance to communities and local rural development personnel by  
4 administering training seminars for such local development personnel. The office  
5 may also furnish market surveys, feasibility studies, prospect lists and other data  
6 to local rural development offices upon request for such available information.

7 2. The extension division of the University of Missouri and the  
8 department of economic development shall cooperate in the implementation of  
9 sections 620.155 to 620.165.]

2 [620.170. 1. Sections 620.170 to 620.174 may be cited as the "Missouri  
3 Export Development Office Act".

4 2. As used in sections 620.170 to 620.174, the following terms mean:

5 (1) "Board", the Missouri economic development, export and  
6 infrastructure board;

7 (2) "Director", the executive director of the Missouri export development  
8 office;

9 (3) "Export trade assistance" includes, but is not limited to, staff  
10 assistance provided by the office to potential Missouri exporters in the areas of  
11 international market research, advertising, marketing, insurance, legal assistance,  
12 transportation, including trade documentation and freight forwarding, and  
13 processing of foreign orders to and for exporters and foreign purchases and  
14 warehousing, when undertaken to export or facilitate the export of goods or  
15 services produced or assembled in this state;

16 (4) "Financial institution", any credit union, bank or savings and loan  
17 association regulated by the state of Missouri or the United States government;  
18 any insurance company authorized to transact business in Missouri, or any person  
19 or institution whose primary business is lending money and who is regulated by  
20 the state;

21 (5) "Office", the Missouri export development office, created by sections  
22 620.170 to 620.174.]

2 [620.173. In addition to the duties described in subsection 1 of section  
3 620.158, the Missouri export development office shall establish, as soon as  
4 practicable, a computerized marketing center to aid in the exporting of goods and  
5 services of Missouri's small and medium-sized businesses. The establishment of  
6 the marketing center shall be carried out in conjunction with personnel of the  
7 department of economic development's management information system. The  
8 purpose of the center shall be to provide an inventory of goods and services of  
9 Missouri businesses which are appropriate and available for exporting. The  
10 marketing center shall also develop a marketing plan which shall attempt to  
11 match specific goods and services of Missouri businesses with international  
12 communities and with selected international target markets.]

2 [620.174. The director of the department of economic development shall  
3 appoint an executive director of the Missouri export development office. The  
4 director shall be knowledgeable about private and public export assistance and  
5 export financing programs and may employ staff as necessary to carry out the  
6 provisions of sections 620.170 to 620.174.]

2 [620.176. Any person who is appointed or employed by the Missouri  
3 economic development export and infrastructure board who is not an employee  
4 of the state of Missouri and a member of a retirement system supported in whole  
5 or in part by the state of Missouri may participate in a state-supported plan for  
6 medical benefits if the board elects to contribute an amount per each such person  
7 equal to the amount that the state contributes for each covered state employee for  
8 medical benefits under the provisions of section 104.515, RSMo. The board shall  
9 pay the amount to be contributed to the commissioner of administration for  
10 transmittal and deposit in the state treasury in the account maintained for medical,  
11 life insurance and disability benefits. If the board so elects, the spouses and  
12 unemancipated children under twenty-three years of age of the appointees or  
13 employees may participate in the program to cover medical expenses under the  
14 provisions of and subject to the payment requirements established pursuant to  
15 subsection 3 of section 104.515, RSMo.]

2 [622.010. A "Division of Motor Carrier and Railroad Safety" is hereby  
3 established within the department of economic development. The division shall  
4 be headed by a director, nominated by the department director and appointed by  
5 the governor with the advice and consent of the senate. The director shall be the  
6 chief administrative officer of the division.]

2 [622.010. A "Transportation Division" is hereby established within the  
3 department of economic development. Effective on July 1, 1997, the name  
4 "Transportation Division" shall be changed to the "Division of Motor Carrier and  
5 Railroad Safety". The division shall be headed by a director, nominated by the  
6 department director and appointed by the governor with the advice and consent  
7 of the senate. The director shall be the chief administrative officer of the  
8 division.]

2 [622.020. 1. Three administrative law judges shall also be appointed for  
3 the division. They shall be nominated by the department director and appointed  
4 by the governor with the advice and consent of the senate. Each shall be  
5 appointed for a term of six years, except of those first appointed, one shall be  
6 appointed for a term of four years, and one for a term of two years. Each shall  
7 be an attorney-at-law admitted to practice before the supreme court of Missouri,  
and while serving in this capacity as an administrative law judge shall not

8 otherwise practice law during his term of office. Not more than two of the  
9 administrative law judges shall be members of the same political party.

10 2. Administrative law judges shall be compensated at the same rate as  
11 administrative hearing commissioners are compensated, and they shall be  
12 reimbursed for actual and necessary expenses incurred in the performance of their  
13 duties.]

14 [622.040. The provisions of sections 622.010 to 622.059 and 680.307,  
2 RSMo, shall not apply to any case presently pending before the Missouri public  
3 service commission in which any evidence has been submitted either to the  
4 public service commission or to the administrative law judge or hearing  
5 examiner; or to any pending case in which the public service commission has  
6 ordered an investigation into rate charges and the results of the investigation have  
7 been filed with the commission. In such cases the public service commission  
8 shall decide such cases under the procedures in effect prior to July 1, 1985.]  
9

2 [622.045. The director of the department of economic development is  
3 expressly authorized to organize the division to accomplish the purposes set forth  
4 by the provisions of sections 622.010 to 622.059 and 680.307, RSMo, and within  
5 the limit of appropriations made therefor shall employ all necessary personnel to  
6 accomplish those purposes. Personnel previously employed by the public service  
7 commission may be transferred to this division.]

2 [622.050. Nothing herein shall be construed as limiting any power,  
3 authority, jurisdiction, duty or responsibility of the public service commission  
4 under chapter 386, RSMo, or any other statute as to the regulation of public  
5 utilities, utility safety and any other nontransportation matters remaining with the  
6 public service commission after July 1, 1985.]  
6

2 [622.055. 1. A "Transportation Development Commission" is hereby  
3 established. It shall consist of five senators appointed by the president pro tem  
4 of the senate, five representatives appointed by the speaker of the house of  
5 representatives, and five persons, not less than one of whom shall be an intrastate  
6 certificated carrier, not less than one of whom shall be associated with a railroad  
7 industry, and not less than one of whom shall be a shipper, appointed by the  
8 director of the department of economic development.

9 2. The commission shall meet and organize by electing one legislative  
10 member as chairman and another legislative member as vice chairman. The  
11 commission shall meet as often as necessary to carry out its duties at such places  
12 as may be convenient for this purpose.

13 3. Members shall not receive any compensation for the performance of  
14 their duties, but all shall be reimbursed for actual and necessary expenses  
incurred in the performance of those duties, the legislative members from the

15 contingent funds of their respective houses, and the public members from funds  
16 appropriated to the department of economic development.]

17

2 [622.057. The transportation development commission shall study the  
3 implementation of the provisions of sections 622.010 to 622.059 and section  
4 680.307, RSMo, and shall make recommendations therefor to the motor carrier  
5 and railroad safety division and the department director. It shall also consider  
6 any other appropriate matter relating to the operation of the motor carrier and  
7 railroad safety division and the development and regulation of transportation  
8 activities within this state. It shall consider the need for new or changed laws or  
9 regulations relating to the development and regulation of transportation activities,  
10 and shall from time to time make recommendations to the governor and the  
11 general assembly in connection therewith to the end that the development of  
12 transportation entities and facilities will enhance the economic development of  
13 the state.]

13

2 [644.550. All bonds herein authorized to be issued shall be paid at  
3 maturity and all interest accruing thereon shall be paid when it falls due by the  
4 state treasurer, at a place designated in the bonds and coupons attached. Thirty  
5 days before any of the bonds mature and any of the interest thereon falls due, it  
6 shall be the duty of the board of fund commissioners to draw its requisition for  
7 the amount necessary to pay such interest on the bonds and the principal of  
8 maturing bonds and the necessary expenses to be incurred in transmitting such  
9 moneys. Whereupon the commissioner of administration shall certify the amount  
10 to the state auditor and the state auditor shall issue his warrant upon the state  
11 treasurer therefor in favor of the president of the board of fund commissioners,  
12 payable out of the water pollution control bond and interest fund; and the warrant  
13 so drawn shall be delivered to the state treasurer who shall transmit the amount  
14 of money therein specified to the paying agent named in the bonds with  
15 instructions to place such money to the credit of the board of fund commissioners  
16 for the payment of interest or principal of such bonds. Whenever in the opinion  
17 of the board of fund commissioners it is advisable to do so, and there are  
18 sufficient funds therefor, the board may redeem any of the bonds before maturity  
19 if the holders thereof agree thereto, and may also purchase any of the bonds in the  
20 open market whenever funds are available and in the opinion of the board it is to  
21 the advantage of the state to do so; but, in the event any of the bonds are  
22 redeemed before maturity, the purchase price shall not exceed the face value of  
23 said bonds plus accrued interest not previously paid.]

23

2 [660.018. The director of the department of social services shall apply to  
3 the United States Secretary of Health and Human Services for all waivers of  
4 requirements under federal law necessary to implement the provisions of section  
A of this act.]

Section B. The repeal and reenactment of sections 99.918, 99.1082, 135.205, 135.207,  
2 135.230, 135.530, 135.903, 135.953, 215.263, and 620.1023 of section A of this act shall  
3 become effective on April 1, 2011, or when the United States Census Bureau's American  
4 Community Survey, based on the most recent of five-year period estimate data in which the final  
5 year of the estimate period ends in zero becomes available, which first occurs. The  
6 commissioner of the office of administration shall notify the revisor of statutes when the updated  
7 United States Census Bureau data has been released.

✓