

SECOND REGULAR SESSION

HOUSE BILL NO. 1912

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES McNARY (Sponsor), FRANZ, DEEKEN, MOLENDORP, JONES (89), LEARA, SCHARNHORST, GRISAMORE, FLANIGAN, KOENIG, NIEVES, FUNDERBURK, SMITH (14), SCHOELLER, GATSCHENBERGER, DAY, SCHAAF, BIVINS, LAIR, KEENEY, CHAPPELLE-NADAL, BROWN (50), BRUNS, NOLTE, KELLY, DIECKHAUS, TRACY, BURLISON, BIVINS, ALLEN, ZERR, SUTHERLAND, BROWN (149), NASHEED, GUERNSEY, JONES (63), McDONALD, DOUGHERTY, KOMO, PARKINSON AND DUGGER (Co-sponsors).

4572L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 32.125 as enacted by house substitute for senate bill no. 374, eighty-eighth general assembly, first regular session, section 52.315 as enacted by house committee substitute for senate committee substitute for senate bill no. 497, ninety-fourth general assembly, first regular session, section 67.281 as enacted by conference committee substitute for senate bill no. 513, ninety-fifth general assembly, first regular session, section 67.1305 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 210 merged with conference committee substitute for house committee substitute for senate substitute for senate bill no. 343, ninety-third general assembly, first regular session, section 91.055 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 115.348 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session, section 135.100 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session and section 135.100 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, section 135.200 as enacted by

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.

conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session and section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, section 141.550 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, section 171.035 as enacted by conference committee substitute for house committee substitute for senate bill no. 376, ninety-fourth general assembly, first regular session and section 171.035 as enacted by house committee substitute for house bill no. 678, ninety-fourth general assembly, first regular session, section 192.632 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session and section 192.632 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 577, ninety-fourth general assembly, first regular session, section 217.777 as enacted by senate committee substitute for senate bill no. 430, eighty-ninth general assembly, first regular session, section 227.381 as enacted by house bill no. 1488, ninety-third general assembly, second regular session, section 228.362 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 180, eighty-seventh general assembly, first regular session, section 286.060 as enacted by senate committee substitute for house committee substitute for house bills nos. 300 & 95, eighty-eighth general assembly, first regular session, section 301.064 as enacted by house committee substitute for senate substitute for senate bill no 3, eighty-eighth general assembly, first regular session and section 301.064 as enacted by house bill no. 769, eighty-ninth general assembly, first regular session, section 301.630 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session, section 304.156 as enacted by senate committee substitute for house bill no. 996 and house bill no. 1142 and house committee substitute for house bill no. 1201 and house bill no. 1489, ninety-second general assembly, second regular session, section 304.678 as enacted by house committee substitute for senate committee substitute for senate bill

no. 372, ninety-third general assembly, first regular session, section 321.701 as enacted by conference committee substitute no. 2 for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, section 321.714 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session, section 324.712 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 567, ninety-first general assembly, first regular session, section 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, first regular session, section 335.067 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 361.170 as enacted by house committee substitute for house bill no. 379, ninety-third general assembly, first regular session, section 370.107 as enacted by senate bill no. 318, ninety-third general assembly, first regular session, section 376.1500 as enacted by senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 818, ninety-fourth general assembly, first regular session, section 376.1516 as enacted by senate committee substitute for senate bill no. 66, ninety-fourth general assembly, first regular session, section 393.906 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 393.921 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 441.236 as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 89 & 37, ninety-first general assembly, first regular session, section 470.270 as enacted by conference committee substitute for house substitute for house committee substitute for senate substitute for senate bill no. 1248, ninety-first general assembly, second regular session, section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute

for house committee substitute for house bill no. 62, ninety-fifth general assembly, first regular session, 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, section 644.031 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, and section 644.568 as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 & 82, ninetieth general assembly, first regular session, and to enact in lieu thereof three new sections for the sole purpose of repealing multiple versions of statutes.

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

Section A. Section 32.125 as enacted by house substitute for senate bill no. 374, eighty-
2 eighth general assembly, first regular session, section 52.315 as enacted by house committee
3 substitute for senate committee substitute for senate bill no. 497, ninety-fourth general assembly,
4 first regular session, section 67.281 as enacted by conference committee substitute for senate bill
5 no. 513, ninety-fifth general assembly, first regular session, section 67.1305 as enacted by
6 conference committee substitute for senate substitute for senate committee substitute for house
7 committee substitute for house bill no. 58 merged with conference committee substitute for
8 house committee substitute for senate substitute for senate committee substitute for senate bill
9 no. 210 merged with conference committee substitute for house committee substitute for senate
10 substitute for senate bill no. 343, ninety-third general assembly, first regular session, section
11 91.055 as enacted by conference committee substitute for senate substitute for senate committee
12 substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular
13 session, section 115.348 as enacted by conference committee substitute for senate substitute for
14 senate committee substitute for house committee substitute for house bill no. 58, ninety-third
15 general assembly, first regular session, section 135.100 as enacted by conference committee
16 substitute for senate substitute for senate committee substitute for house substitute for house
17 committee substitute for house bill no. 701, ninetieth general assembly, first regular session and
18 section 135.100 as enacted by conference committee substitute for house substitute for house
19 committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular
20 session, section 135.200 as enacted by conference committee substitute for senate substitute for
21 senate committee substitute for house substitute for house committee substitute for house bill
22 no. 701, ninetieth general assembly, first regular session and section 135.200 as enacted by

23 conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth
24 general assembly, second extraordinary session and section 135.200 as enacted by senate
25 substitute for senate committee substitute for house substitute for house committee substitute for
26 house bill no. 1656, eighty-ninth general assembly, second regular session, section 141.550 as
27 enacted by conference committee substitute for house substitute for house committee substitute
28 for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular
29 session, section 171.035 as enacted by conference committee substitute for house committee
30 substitute for senate bill no. 376, ninety-fourth general assembly, first regular session and section
31 171.035 as enacted by house committee substitute for house bill no. 678, ninety-fourth general
32 assembly, first regular session, section 192.632 as enacted by conference committee substitute
33 for senate substitute for senate committee substitute for house committee substitute for house bill
34 no. 780 merged with conference committee substitute no. 2 for house committee substitute for
35 senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular
36 session and section 192.632 as enacted by conference committee substitute for house committee
37 substitute for senate substitute for senate committee substitute for senate bill no. 577, ninety-
38 fourth general assembly, first regular session, section 217.777 as enacted by senate committee
39 substitute for senate bill no. 430, eighty-ninth general assembly, first regular session, section
40 227.381 as enacted by house bill no. 1488, ninety-third general assembly, second regular session,
41 section 228.362 as enacted by conference committee substitute for house committee substitute
42 for senate committee substitute for senate bill no. 180, eighty-seventh general assembly, first
43 regular session, section 286.060 as enacted by senate committee substitute for house committee
44 substitute for house bills nos. 300 & 95, eighty-eighth general assembly, first regular session,
45 section 301.064 as enacted by house committee substitute for senate substitute for senate bill no
46 3, eighty-eighth general assembly, first regular session and section 301.064 as enacted by house
47 bill no. 769, eighty-ninth general assembly, first regular session, section 301.630 as enacted by
48 conference committee substitute for house substitute for house committee substitute for senate
49 bill no. 895, ninety-first general assembly, second regular session, section 304.156 as enacted
50 by senate committee substitute for house bill no. 996 and house bill no. 1142 and house
51 committee substitute for house bill no. 1201 and house bill no. 1489, ninety-second general
52 assembly, second regular session, section 304.678 as enacted by house committee substitute for
53 senate committee substitute for senate bill no. 372, ninety-third general assembly, first regular
54 session, section 321.701 as enacted by conference committee substitute no. 2 for senate
55 substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth
56 general assembly, first regular session, section 321.714 as enacted by senate substitute for senate
57 committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473,
58 556 & 647, eighty-eighth general assembly, first regular session, section 324.712 as enacted by

59 conference committee substitute for senate substitute for senate committee substitute for house
60 committee substitute for house bill no. 567, ninety-first general assembly, first regular session,
61 section 324.1102 as enacted by conference committee substitute no. 2 for house committee
62 substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly,
63 first regular session, section 324.1106 as enacted by conference committee substitute no. 2 for
64 house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth
65 general assembly, first regular session, section 324.1118 as enacted by conference committee
66 substitute for senate substitute for senate committee substitute for house committee substitute
67 for house bill no. 780, ninety-fourth general assembly, first regular session, first regular session,
68 section 335.067 as enacted by conference committee substitute for senate substitute for senate
69 committee substitute for house committee substitute for house bill no. 780, ninety-fourth general
70 assembly, first regular session, section 361.170 as enacted by house committee substitute for
71 house bill no. 379, ninety-third general assembly, first regular session, section 370.107 as
72 enacted by senate bill no. 318, ninety-third general assembly, first regular session, section
73 376.1500 as enacted by senate substitute no. 2 for senate committee substitute for house
74 committee substitute for house bill no. 818, ninety-fourth general assembly, first regular session,
75 section 376.1516 as enacted by senate committee substitute for senate bill no. 66, ninety-fourth
76 general assembly, first regular session, section 393.906 as enacted by conference committee
77 substitute for senate substitute for senate committee substitute for house substitute for house bill
78 no. 450, ninetieth general assembly, first regular session, section 393.921 as enacted by
79 conference committee substitute for senate substitute for senate committee substitute for house
80 substitute for house bill no. 450, ninetieth general assembly, first regular session, section 441.236
81 as enacted by house substitute for house committee substitute for senate substitute for senate
82 committee substitute for senate bills nos. 89 & 37, ninety-first general assembly, first regular
83 session, section 470.270 as enacted by conference committee substitute for house substitute for
84 house committee substitute for senate substitute for senate bill no. 1248, ninety-first general
85 assembly, second regular session, section 565.082 as enacted by conference committee substitute
86 for senate substitute for senate committee substitute for house committee substitute for house bill
87 no. 62, ninety-fifth general assembly, first regular session, section 622.010 as enacted by house
88 committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular
89 session and section 622.010 as enacted by house committee substitute for house bill no. 991,
90 eighty-eighth general assembly, second regular session, section 644.031 as enacted by conference
91 committee substitute for senate substitute for senate committee substitute for house substitute
92 for house bill no. 450, ninetieth general assembly, first regular session, and section 644.568 as
93 enacted by house substitute for house committee substitute for senate substitute for senate
94 committee substitute for senate bills nos. 160 & 82, ninetieth general assembly, first regular

95 session, are repealed and three new sections enacted in lieu thereof, to be known as sections
96 135.100, 135.200, and 301.064, to read as follows:

135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

2 (1) "Commencement of commercial operations" shall be deemed to occur during the first
3 taxable year for which the new business facility is first available for use by the taxpayer, or first
4 capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer
5 intends to use the new business facility;

6 (2) "Existing business facility", any facility in this state which was employed by the
7 taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior
8 to an expansion, acquisition, addition, or replacement;

9 (3) "Facility", any building used as a revenue-producing enterprise located within the
10 state, including the land on which the facility is located and all machinery, equipment and other
11 real and depreciable tangible personal property acquired for use at and located at or within such
12 facility and used in connection with the operation of such facility;

13 (4) **"NAICS", the North American Industrial Classification System as such**
14 **classifications are defined in the 2007 edition of the North American Industrial**
15 **Classification System;**

16 (5) "New business facility", a facility which satisfies the following requirements:

17 (a) Such facility is employed by the taxpayer in the operation of a revenue-producing
18 enterprise. Such facility shall not be considered a new business facility in the hands of the
19 taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person
20 or persons. If the taxpayer employs only a portion of such facility in the operation of a
21 revenue-producing enterprise, and leases another portion of such facility to another person or
22 persons or does not otherwise use such other portions in the operation of a revenue-producing
23 enterprise, the portion employed by the taxpayer in the operation of a revenue-producing
24 enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c),
25 (d) and (e) of this subdivision are satisfied;

26 (b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A
27 facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31,
28 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding
29 contract to transfer title to the taxpayer, or the commencement of the term of the lease to the
30 taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by
31 or on behalf of the taxpayer, such construction, erection or installation is commenced after
32 December 31, 1983;

33 (c) If such facility was acquired by the taxpayer from another person or persons and such
34 facility was employed immediately prior to the transfer of title to such facility to the taxpayer,

35 or to the commencement of the term of the lease of such facility to the taxpayer, by any other
36 person or persons in the operation of a revenue-producing enterprise, the operation of the same
37 or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such
38 facility;

39 (d) Such facility is not a replacement business facility, as defined in subdivision [(10)]
40 (11) of this section; and

41 (e) The new business facility investment exceeds one hundred thousand dollars during
42 the tax period in which the credits are claimed;

43 [(5)] (6) "New business facility employee", a person employed by the taxpayer in the
44 operation of a new business facility during the taxable year for which the credit allowed by
45 section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall
46 not constitute new business facility employees. A person shall be deemed to be so employed if
47 such person performs duties in connection with the operation of the new business facility on:

48 (a) A regular, full-time basis; or

49 (b) A part-time basis, provided such person is customarily performing such duties an
50 average of at least twenty hours per week; or

51 (c) A seasonal basis, provided such person performs such duties for at least eighty
52 percent of the season customary for the position in which such person is employed;

53 [(6)] (7) "New business facility income", the Missouri taxable income, as defined in
54 chapter 143, RSMo, derived by the taxpayer from the operation of the new business facility. For
55 the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable
56 income" means, in the case of insurance companies, direct premiums as defined in chapter 148,
57 RSMo. If a taxpayer has income derived from the operation of a new business facility as well
58 as from other activities conducted within this state, the Missouri taxable income derived by the
59 taxpayer from the operation of the new business facility shall be determined by multiplying the
60 taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, or in the
61 case of an insurance company, computed in accordance with chapter 148, RSMo, by a fraction,
62 the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus
63 the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which
64 is two:

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

70 (b) The payroll factor is a fraction, the numerator of which is the total amount paid
71 during the tax period by the taxpayer for compensation to persons qualifying as new business
72 facility employees, as determined by subsection 4 of section 135.110, at the new business
73 facility, and the denominator of which is the total amount paid in this state during the tax period
74 by the taxpayer for compensation. The compensation paid in this state shall be determined as
75 provided in chapter 32, RSMo. For the purpose of this subdivision, "other activities conducted
76 within this state" shall include activities previously conducted at the expanded, acquired or
77 replaced facility at any time during the tax period immediately prior to the tax period in which
78 commencement of commercial operations occurred;

79 ~~[(7)]~~ **(8)** "New business facility investment", the value of real and depreciable tangible
80 personal property, acquired by the taxpayer as part of the new business facility, which is used by
81 the taxpayer in the operation of the new business facility, during the taxable year for which the
82 credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers,
83 rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges,
84 bridges, tunnels and rail yards and spurs shall not constitute new business facility investments.
85 The total value of such property during such taxable year shall be:

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

87 (b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental
88 rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the
89 taxpayer from subrentals.

90

91 The new business facility investment shall be determined by dividing by twelve the sum of the
92 total value of such property on the last business day of each calendar month of the taxable year.
93 If the new business facility is in operation for less than an entire taxable year, the new business
94 facility investment shall be determined by dividing the sum of the total value of such property
95 on the last business day of each full calendar month during the portion of such taxable year
96 during which the new business facility was in operation by the number of full calendar months
97 during such period;

98 ~~[(8)]~~ **(9)** "Office", a regional, national or international headquarters, a telemarketing
99 operation, a computer operation, an insurance company, a passenger transportation
100 ticket/reservation system or a credit card billing and processing center. For the purposes of this
101 subdivision, "headquarters" means the administrative management of at least four integrated
102 facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision,
103 when established must create and maintain positions for a minimum number of twenty-five new
104 business facility employees as defined in subdivision ~~[(5)]~~ **(6)** of this section;

105 ~~[(9)]~~ **(10)** "Related taxpayer" shall mean:

106 (a) A corporation, partnership, trust or association controlled by the taxpayer;
107 (b) An individual, corporation, partnership, trust or association in control of the taxpayer;

108 or

109 (c) A corporation, partnership, trust or association controlled by an individual,
110 corporation, partnership, trust or association in control of the taxpayer. For the purposes of
111 sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or
112 indirectly, of stock possessing at least fifty percent of the total combined voting power of all
113 classes of stock entitled to vote; "control of a partnership or association" shall mean ownership
114 of at least fifty percent of the capital or profits interest in such partnership or association; and
115 "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the
116 beneficial interest in the principal or income of such trust; ownership shall be determined as
117 provided in Section 318 of the U.S. Internal Revenue Code;

118 [(10)] (11) "Replacement business facility", a facility otherwise described in subdivision
119 [(4)] (3) of this section, hereafter referred to in this subdivision as "new facility", which replaces
120 another facility, hereafter referred to in this subdivision as "old facility", located within the state,
121 which the taxpayer or a related taxpayer previously operated but discontinued operating on or
122 before the close of the first taxable year in which the credit allowed by this section is claimed.
123 A new facility shall be deemed to replace an old facility if the following conditions are met:

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

127 (b) The old facility was employed by the taxpayer or a related taxpayer in the operation
128 of a revenue-producing enterprise and the taxpayer continues the operation of the same or
129 substantially similar revenue-producing enterprise at the new facility. Notwithstanding the
130 preceding provisions of this subdivision, a facility shall not be considered a replacement business
131 facility if the taxpayer's new business facility investment, as computed in subsection 5 of section
132 135.110, in the new facility during the tax period in which the credits allowed in sections
133 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed
134 one million dollars or, if less, two hundred percent of the investment in the old facility by the
135 taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the
136 total number of employees at the old facility by at least two except that the total number of
137 employees at the new facility exceeds the total number of employees at the old facility by at least
138 twenty-five if an office as defined in subdivision [(8)] (9) of this section is established by a
139 revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs
140 (a) to (g) and (i) to (l) of subdivision [(11)] (12) of this section;

141 [(11)] (12) "Revenue-producing enterprise" means:

- 142 (a) Manufacturing activities classified as [SICs 20 through 39] **NAICS 31-33**;
- 143 (b) Agricultural activities classified as [SIC 025] **NAICS 11**;
- 144 (c) Rail transportation terminal activities classified as [SIC 4013] **NAICS 482**;
- 145 (d) Motor freight transportation terminal activities classified as [SIC 4231] **NAICS 484**
- 146 **and NAICS 4884**;
- 147 (e) Public warehousing and storage activities classified as [SICs 422 and 423 except SIC
- 148 4221] **NAICS 493**, miniwarehouse warehousing and warehousing self-storage;
- 149 (f) Water transportation terminal activities classified as [SIC 4491] **NAICS 4832**;
- 150 (g) Airports, flying fields, and airport terminal services classified as [SIC 4581] **NAICS**
- 151 **481**;
- 152 (h) Wholesale trade activities classified as [SICs 50 and 51] **NAICS 42**;
- 153 (i) Insurance carriers activities classified as [SICs 631, 632 and 633] **NAICS 524**;
- 154 (j) Research and development activities classified as [SIC 873, except 8733] **NAICS**
- 155 **5417**;
- 156 (k) Farm implement dealer activities classified as [SIC 5999] **NAICS 42382**;
- 157 (l) Interexchange telecommunications services as defined in subdivision (20) of section
- 158 386.020, RSMo, or training activities conducted by an interexchange telecommunications
- 159 company as defined in subdivision (19) of section 386.020, RSMo;
- 160 (m) Recycling activities classified as [SIC 5093] **NAICS 42393**;
- 161 (n) Office activities as defined in subdivision [(8)] **(9)** of this section, notwithstanding
- 162 [SIC] **NAICS** classification;
- 163 (o) Mining activities classified as [SICs 10 through 14] **NAICS 21**;
- 164 (p) Computer programming, data processing and other computer-related activities
- 165 classified as [SIC 737] **NAICS 5415**;
- 166 (q) The administrative management of any of the foregoing activities; or
- 167 (r) Any combination of any of the foregoing activities;
- 168 [(12)] **(13)** "Same or substantially similar revenue-producing enterprise", a
- 169 revenue-producing enterprise in which the nature of the products produced or sold, or activities
- 170 conducted, are similar in character and use or are produced, sold, performed or conducted in the
- 171 same or similar manner as in another revenue-producing enterprise;
- 172 [(13) "SIC", the standard industrial classification as such classifications are defined in
- 173 the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive
- 174 Office of the President, Office of Management and Budget;]
- 175 (14) "Taxpayer", an individual proprietorship, corporation described in section 143.441
- 176 or 143.471, RSMo, and partnership or an insurance company subject to the tax imposed by
- 177 chapter 148, RSMo, or in the case of an insurance company exempt from the thirty-percent

178 employee requirement of section 135.230, to any obligation imposed pursuant to section
179 375.916, RSMo.

180 [135.100. As used in sections 135.100 to 135.150 the following terms
181 shall mean:

182 (1) "Commencement of commercial operations" shall be deemed to occur
183 during the first taxable year for which the new business facility is first available
184 for use by the taxpayer, or first capable of being used by the taxpayer, in the
185 revenue-producing enterprise in which the taxpayer intends to use the new
186 business facility;

187 (2) "Existing business facility", any facility in this state which was
188 employed by the taxpayer claiming the credit in the operation of a
189 revenue-producing enterprise immediately prior to an expansion, acquisition,
190 addition, or replacement;

191 (3) "Facility", any building used as a revenue-producing enterprise
192 located within the state, including the land on which the facility is located and all
193 machinery, equipment and other real and depreciable tangible personal property
194 acquired for use at and located at or within such facility and used in connection
195 with the operation of such facility;

196 (4) "New business facility", a facility which satisfies the following
197 requirements:

198 (a) Such facility is employed by the taxpayer in the operation of a
199 revenue-producing enterprise. Such facility shall not be considered a new
200 business facility in the hands of the taxpayer if the taxpayer's only activity with
201 respect to such facility is to lease it to another person or persons. If the taxpayer
202 employs only a portion of such facility in the operation of a revenue-producing
203 enterprise, and leases another portion of such facility to another person or persons
204 or does not otherwise use such other portions in the operation of a
205 revenue-producing enterprise, the portion employed by the taxpayer in the
206 operation of a revenue-producing enterprise shall be considered a new business
207 facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision
208 are satisfied;

209 (b) Such facility is acquired by, or leased to, the taxpayer after December
210 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the
211 taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the
212 transfer of possession pursuant to a binding contract to transfer title to the
213 taxpayer, or the commencement of the term of the lease to the taxpayer occurs
214 after December 31, 1983, or, if the facility is constructed, erected or installed by
215 or on behalf of the taxpayer, such construction, erection or installation is
216 commenced after December 31, 1983;

217 (c) If such facility was acquired by the taxpayer from another person or
218 persons and such facility was employed immediately prior to the transfer of title
219 to such facility to the taxpayer, or to the commencement of the term of the lease
220 of such facility to the taxpayer, by any other person or persons in the operation

221 of a revenue-producing enterprise, the operation of the same or a substantially
222 similar revenue-producing enterprise is not continued by the taxpayer at such
223 facility;

224 (d) Such facility is not a replacement business facility, as defined in
225 subdivision (10) of this section; and

226 (e) The new business facility investment exceeds one hundred thousand
227 dollars during the tax period in which the credits are claimed;

228 (5) "New business facility employee", a person employed by the taxpayer
229 in the operation of a new business facility during the taxable year for which the
230 credit allowed by section 135.110 is claimed, except that truck drivers and rail
231 and barge vehicle operators shall not constitute new business facility employees.
232 A person shall be deemed to be so employed if such person performs duties in
233 connection with the operation of the new business facility on:

234 (a) A regular, full-time basis; or

235 (b) A part-time basis, provided such person is customarily performing
236 such duties an average of at least twenty hours per week; or

237 (c) A seasonal basis, provided such person performs such duties for at
238 least eighty percent of the season customary for the position in which such person
239 is employed;

240 (6) "New business facility income", the Missouri taxable income, as
241 defined in chapter 143, RSMo, derived by the taxpayer from the operation of the
242 new business facility. For the purpose of apportionment as prescribed in this
243 subdivision, the term "Missouri taxable income" means, in the case of insurance
244 companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has
245 income derived from the operation of a new business facility as well as from
246 other activities conducted within this state, the Missouri taxable income derived
247 by the taxpayer from the operation of the new business facility shall be
248 determined by multiplying the taxpayer's Missouri taxable income, computed in
249 accordance with chapter 143, RSMo, or in the case of an insurance company,
250 computed in accordance with chapter 148, RSMo, by a fraction, the numerator
251 of which is the property factor, as defined in paragraph (a) of this subdivision,
252 plus the payroll factor, as defined in paragraph (b) of this subdivision, and the
253 denominator of which is two:

254 (a) The "property factor" is a fraction, the numerator of which is the new
255 business facility investment certified for the tax period, and the denominator of
256 which is the average value of all the taxpayer's real and depreciable tangible
257 personal property owned or rented and used in this state during the tax period.
258 The average value of all such property shall be determined as provided in chapter
259 32, RSMo;

260 (b) The "payroll factor" is a fraction, the numerator of which is the total
261 amount paid during the tax period by the taxpayer for compensation to persons
262 qualifying as new business facility employees, as determined by subsection 4 of
263 section 135.110, at the new business facility, and the denominator of which is the

264 total amount paid in this state during the tax period by the taxpayer for
265 compensation. The compensation paid in this state shall be determined as
266 provided in chapter 32, RSMo. For the purpose of this subdivision, "other
267 activities conducted within this state" shall include activities previously
268 conducted at the expanded, acquired or replaced facility at any time during the
269 tax period immediately prior to the tax period in which commencement of
270 commercial operations occurred;

271 (7) "New business facility investment", the value of real and depreciable
272 tangible personal property, acquired by the taxpayer as part of the new business
273 facility, which is used by the taxpayer in the operation of the new business
274 facility, during the taxable year for which the credit allowed by section 135.110
275 is claimed, except that trucks, truck-trailers, truck semitrailers, rail and barge
276 vehicles and other rolling stock for hire, track, switches, barges, bridges, tunnels
277 and rail yards and spurs shall not constitute new business facility investments.
278 The total value of such property during such taxable year shall be:

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

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

291 (8) "Office", a regional, national or international headquarters, a
292 telemarketing operation, an insurance company, a passenger transportation
293 ticket/reservation system or a credit card billing and processing center. For the
294 purposes of this subdivision, "headquarters" means the administrative
295 management of at least four integrated facilities operated by the taxpayer or
296 related taxpayer. An office, as defined in this subdivision, when established must
297 create and maintain positions for a minimum number of twenty-five new business
298 facility employees as defined in subdivision (5) of this section;

299 (9) "Related taxpayer" shall mean:

300 (a) A corporation, partnership, trust or association controlled by the
301 taxpayer;

302 (b) An individual, corporation, partnership, trust or association in control
303 of the taxpayer; or

304 (c) A corporation, partnership, trust or association controlled by an
305 individual, corporation, partnership, trust or association in control of the
306 taxpayer. For the purposes of sections 135.100 to 135.150, "control of a

307 corporation" shall mean ownership, directly or indirectly, of stock possessing at
308 least fifty percent of the total combined voting power of all classes of stock
309 entitled to vote; "control of a partnership or association" shall mean ownership
310 of at least fifty percent of the capital or profits interest in such partnership or
311 association; and "control of a trust" shall mean ownership, directly or indirectly,
312 of at least fifty percent of the beneficial interest in the principal or income of such
313 trust; ownership shall be determined as provided in Section 318 of the U.S.
314 Internal Revenue Code;

315 (10) "Replacement business facility", a facility otherwise described in
316 subdivision (4) of this section, hereafter referred to in this subdivision as "new
317 facility", which replaces another facility, hereafter referred to in this subdivision
318 as "old facility", located within the state, which the taxpayer or a related taxpayer
319 previously operated but discontinued operating on or before the close of the first
320 taxable year in which the credit allowed by this section is claimed. A new facility
321 shall be deemed to replace an old facility if the following conditions are met:

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

326 (b) The old facility was employed by the taxpayer or a related taxpayer
327 in the operation of a revenue-producing enterprise and the taxpayer continues the
328 operation of the same or substantially similar revenue-producing enterprise at the
329 new facility. Notwithstanding the preceding provisions of this subdivision, a
330 facility shall not be considered a replacement business facility if the taxpayer's
331 new business facility investment, as computed in subsection 5 of section 135.110,
332 in the new facility during the tax period in which the credits allowed in sections
333 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are
334 claimed exceed one million dollars or, if less, two hundred percent of the
335 investment in the old facility by the taxpayer or related taxpayer, and if the total
336 number of employees at the new facility exceeds the total number of employees
337 at the old facility by at least two except that the total number of employees at the
338 new facility exceeds the total number of employees at the old facility by at least
339 twenty-five if an office as defined in subdivision (8) of this section is established
340 by a revenue-producing enterprise other than a revenue-producing enterprise
341 defined in paragraphs (a) to (g) and (i) to (l) of subdivision (11) of this section;

342 (11) "Revenue-producing enterprise" means:

343 (a) Manufacturing activities classified as SICs 20 through 39;

344 (b) Agricultural activities classified as SIC 025;

345 (c) Rail transportation terminal activities classified as SIC 4013;

346 (d) Motor freight transportation terminal activities classified as SIC 4231;

347 (e) Public warehousing and storage activities classified as SICs 422 and
348 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

349 (f) Water transportation terminal activities classified as SIC 4491;

- 350 (g) Wholesale trade activities classified as SICs 50 and 51;
- 351 (h) Insurance carriers activities classified as SICs 631, 632 and 633;
- 352 (i) Research and development activities classified as SIC 873, except
- 353 8733;
- 354 (j) Farm implement dealer activities classified as SIC 5999;
- 355 (k) Interexchange telecommunications services as defined in subdivision
- 356 (24) or local exchange telecommunications services as defined in subdivision
- 357 (31) of section 386.020, RSMo, or training activities conducted by an
- 358 interexchange telecommunications company or by a local exchange
- 359 telecommunications company as defined in subdivisions (23) and (30) of section
- 360 386.020, RSMo;
- 361 (l) Recycling activities classified as SIC 5093;
- 362 (m) Office activities as defined in subdivision (8) of this section,
- 363 notwithstanding SIC classification;
- 364 (n) Mining activities classified as SICs 10 through 14;
- 365 (o) Computer programming, data processing and other computer-related
- 366 activities classified as SIC 737;
- 367 (p) The administrative management of any of the foregoing activities; or
- 368 (q) Any combination of any of the foregoing activities;
- 369 (12) "Same or substantially similar revenue-producing enterprise", a
- 370 revenue-producing enterprise in which the nature of the products produced or
- 371 sold, or activities conducted, are similar in character and use or are produced,
- 372 sold, performed or conducted in the same or similar manner as in another
- 373 revenue-producing enterprise;
- 374 (13) "SIC", the primary standard industrial classification as such
- 375 classifications are defined in the 1987 edition of the Standard Industrial
- 376 Classification Manual as prepared by the Executive Office of the President,
- 377 Office of Management and Budget. For the purpose of this subdivision,
- 378 "primary" means at least fifty percent of the activities so classified are performed
- 379 at the new business facility during the taxpayer's tax period in which such tax
- 380 credits are being claimed;
- 381 (14) "Taxpayer", an individual proprietorship, corporation described in
- 382 section 143.441 or 143.471, RSMo, and partnership or an insurance company
- 383 subject to the tax imposed by chapter 148, RSMo, or in the case of an insurance
- 384 company exempt from the thirty percent employee requirement of section
- 385 135.230, to any obligation imposed pursuant to section 375.916, RSMo.]
- 135.200. The following terms, whenever used in sections 135.200 to 135.256, mean:
- 2 (1) "Department", the department of economic development;
- 3 (2) "Director", the director of the department of economic development;
- 4 (3) "Facility", any building used as a revenue-producing enterprise located within an
- 5 enterprise zone, including the land on which the facility is located and all machinery, equipment

6 and other real and depreciable tangible personal property acquired for use at and located at or
7 within such facility and used in connection with the operation of such facility;

8 (4) "Governing authority", the body holding primary legislative authority over a county
9 or incorporated municipality;

10 (5) **"NAICS", the North American Industrial Classification System as such**
11 **classifications are defined in the 2007 edition of the North American Industrial**
12 **Classification System;**

13 (6) "New business facility" shall have the meaning defined in section 135.100, except
14 that the term "lease" as used therein shall not include the leasing of property defined in paragraph
15 (d) of subdivision [(6)] (7) of this section;

16 [(6)] (7) "Revenue-producing enterprise", means:

17 (a) Manufacturing activities classified as [SICs 20 through 39] **NAICS 31-33;**

18 (b) Agricultural activities classified as [SIC 025] **NAICS 11;**

19 (c) Rail transportation terminal activities classified as [SIC 4013] **NAICS 482;**

20 (d) Renting or leasing of residential property to low- and moderate-income persons as
21 defined in federal law, 42 U.S.C. 5302(a)(20);

22 (e) Motor freight transportation terminal activities classified as [SIC 4231] **NAICS 484**
23 **and NAICS 4484;**

24 (f) Public warehousing and storage activities classified as [SICs 422 and 423 except SIC
25 4221] **NAICS 493**, miniwarehouse warehousing and warehousing self-storage;

26 (g) Water transportation terminal activities classified as [SIC 4491] **NAICS 4832;**

27 (h) Airports, flying fields, and airport terminal services classified as [SIC 4581] **NAICS**
28 **481;**

29 (i) Wholesale trade activities classified as [SICs 50 and 51] **NAICS 42;**

30 (j) Insurance carriers activities classified as [SICs 631, 632 and 633] **NAICS 524;**

31 (k) Research and development activities classified as [SIC 873, except 8733] **NAICS**
32 **5417;**

33 (l) Farm implement dealer activities classified as [SIC 5999] **NAICS 42382;**

34 (m) Employment agency activities classified as [SIC 7361] **NAICS 5613;**

35 (n) Computer programming, data processing and other computer-related activities
36 classified as [SIC 737] **NAICS 518;**

37 (o) Health service activities classified as [SICs 801, 802, 803, 804, 806, 807, 8092 and
38 8093] **NAICS 621, 622, and 623;**

39 (p) Interexchange telecommunications as defined in subdivision (20) of section 386.020,
40 RSMo, or training activities conducted by an interexchange telecommunications company as
41 defined in subdivision (19) of section 386.020, RSMo;

- 42 (q) Recycling activities classified as [SIC 5093] **NAICS 42393**;
- 43 (r) Banking activities classified as [SICs 602 and 603] **NAICS 522**;
- 44 (s) Office activities as defined in subdivision (8) of section 135.100, notwithstanding
- 45 [SIC] **NAICS** classification;
- 46 (t) Mining activities classified as [SICs 10 through 14] **NAICS 21**;
- 47 (u) The administrative management of any of the foregoing activities; or
- 48 (v) Any combination of any of the foregoing activities;
- 49 [(7)] **(8)** "Satellite zone", a noncontiguous addition to an existing state designated
- 50 enterprise zone[;
- 51 (8) "SIC", the standard industrial classification as such classifications are defined in the
- 52 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive
- 53 Office of the President, Office of Management and Budget].

[135.200. The following terms, whenever used in sections 135.200 to
2 135.256, mean:

- 3 (1) "Department", the department of economic development;
- 4 (2) "Director", the director of the department of economic development;
- 5 (3) "Facility", any building used as a revenue-producing enterprise
- 6 located within an enterprise zone, including the land on which the facility is
- 7 located and all machinery, equipment and other real and depreciable tangible
- 8 personal property acquired for use at and located at or within such facility and
- 9 used in connection with the operation of such facility;
- 10 (4) "Governing authority", the body holding primary legislative authority
- 11 over a county or incorporated municipality;
- 12 (5) "New business facility" shall have the meaning defined in section
- 13 135.100, except that the term "lease" as used therein shall not include the leasing
- 14 of property defined in paragraph (d) of subdivision (6) of this section;
- 15 (6) "Revenue-producing enterprise", means:
- 16 (a) Manufacturing activities classified as SICs 20 through 39;
- 17 (b) Agricultural activities classified as SIC 025;
- 18 (c) Rail transportation terminal activities classified as SIC 4013;
- 19 (d) Renting or leasing of residential property to low and moderate income
- 20 persons as defined in federal law, 42 U.S.C. 5302(a)(20);
- 21 (e) Motor freight transportation terminal activities classified as SIC 4231;
- 22 (f) Public warehousing and storage activities classified as SICs 422 and
- 23 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;
- 24 (g) Water transportation terminal activities classified as SIC 4491;
- 25 (h) Wholesale trade activities classified as SICs 50 and 51;
- 26 (i) Insurance carriers activities classified as SICs 631, 632 and 633;
- 27 (j) Research and development activities classified as SIC 873, except
- 28 8733;
- 29 (k) Farm implement dealer activities classified as SIC 5999;

- 30 (l) Employment agency activities classified as SIC 7361;
 31 (m) Computer programming, data processing and other computer-related
 32 activities classified as SIC 737;
 33 (n) Health service activities classified as SICs 801, 802, 803, 804, 806,
 34 807, 8092 and 8093;
 35 (o) Interexchange telecommunications as defined in subdivision (20) of
 36 section 386.020, RSMo, or training activities conducted by an interexchange
 37 telecommunications company as defined in subdivision (19) of section 386.020,
 38 RSMo;
 39 (p) Recycling activities classified as SIC 5093;
 40 (q) Banking activities classified as SICs 602 and 603;
 41 (r) Office activities as defined in subdivision (8) of section 135.100,
 42 notwithstanding SIC classification;
 43 (s) Mining activities classified as SICs 10 through 14;
 44 (t) The administrative management of any of the foregoing activities; or
 45 (u) Any combination of any of the foregoing activities;
 46 (7) "Satellite zone", a noncontiguous addition to an existing state
 47 designated enterprise zone;
 48 (8) "SIC", the primary standard industrial classification as such
 49 classifications are defined in the 1987 edition of the Standard Industrial
 50 Classification Manual as prepared by the Executive Office of the President,
 51 Office of Management and Budget. For the purpose of this subdivision,
 52 "primary" means at least fifty percent of the activities so classified are performed
 53 at the new business facility during the taxpayer's tax period in which such tax
 54 credits are being claimed.]
 55

[135.200. The following terms, whenever used in sections 135.200 to
 2 135.256, mean:

- 3 (1) "Department", the department of economic development;
 4 (2) "Director", the director of the department of economic development;
 5 (3) "Facility", any building used as a revenue-producing enterprise
 6 located within an enterprise zone, including the land on which the facility is
 7 located and all machinery, equipment and other real and depreciable tangible
 8 personal property acquired for use at and located at or within such facility and
 9 used in connection with the operation of such facility;
 10 (4) "Governing authority", the body holding primary legislative authority
 11 over a county or incorporated municipality;
 12 (5) "New business facility" shall have the meaning defined in section
 13 135.100, except that the term "lease" as used therein shall not include the leasing
 14 of property defined in paragraph (d) of subdivision (6) of this section;
 15 (6) "Revenue-producing enterprise" means:
 16 (a) Manufacturing activities classified as SICs 20 through 39;
 17 (b) Agricultural activities classified as SIC 025;

- 18 (c) Rail transportation terminal activities classified as SIC 4013;
19 (d) Renting or leasing of residential property to low and moderate income
20 persons as defined in federal law, 42 U.S.C. 5302(a)(20);
21 (e) Motor freight transportation terminal activities classified as SIC 4231;
22 (f) Public warehousing and storage activities classified as SICs 422 and
23 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;
24 (g) Water transportation terminal activities classified as SIC 4491;
25 (h) Wholesale trade activities classified as SICs 50 and 51;
26 (i) Insurance carriers activities classified as SICs 631, 632 and 633;
27 (j) Research and development activities classified as SIC 873, except
28 8733;
29 (k) Farm implement dealer activities classified as SIC 5999;
30 (l) Employment agency activities classified as SIC 7361;
31 (m) Computer programming, data processing and other computer-related
32 activities classified as SIC 737;
33 (n) Health service activities classified as SICs 801, 802, 803, 804, 806,
34 807, 8092 and 8093;
35 (o) Interexchange telecommunications as defined in subdivision (20) of
36 section 386.020, RSMo, or training activities conducted by an interexchange
37 telecommunications company as defined in subdivision (19) of section 386.020,
38 RSMo;
39 (p) Recycling activities classified as SIC 5093;
40 (q) Banking activities classified as SICs 602 and 603;
41 (r) Office activities as defined in subdivision (8) of section 135.100,
42 notwithstanding SIC classification;
43 (s) Mining activities classified as SICs 10 through 14;
44 (t) Photofinishing laboratory activities classified in SIC 7384 and
45 microfilm recording and developing services as contained in SIC classification
46 7389, provided that each such revenue-producing enterprise employs a minimum
47 of one hundred employees at a single business facility;
48 (u) The administrative management of any of the foregoing activities; or
49 (v) Any combination of any of the foregoing activities;
50 (7) "Satellite zone", a noncontiguous addition to an existing state
51 designated enterprise zone;
52 (8) "SIC", the standard industrial classification as such classifications are
53 defined in the 1987 edition of the Standard Industrial Classification Manual as
54 prepared by the Executive Office of the President, Office of Management and
55 Budget.]
56

2 [301.064. 1. The annual registration fee for a land improvement
3 contractors' commercial motor vehicle is three hundred and fifty dollars. The
maximum gross weight for which such a vehicle may be registered is

4 seventy-three thousand two hundred and eighty pounds. Transporting for hire by
5 such a motor vehicle is prohibited.

6 2. Upon application to the director of revenue accompanied by an
7 affidavit signed by the owner or owners stating that the motor vehicle to be
8 licensed as a land improvement contractors' commercial motor vehicle shall not
9 be operated in any manner other than as prescribed in section 301.010, and by the
10 amount of the registration fee prescribed in subsection 1 of this section, and
11 otherwise complying with the laws relating to the registration and licensing of
12 motor vehicles, the owner or owners shall be issued a distinctive set of land
13 improvement contractors' license plates. The director of revenue shall by
14 regulation determine the characteristic features of land improvement contractors'
15 license plates so that they may be readily identified as such.]

301.064. 1. The annual registration fee for a land improvement contractors' commercial
2 motor vehicle is three hundred and fifty dollars. The maximum gross weight for which such a
3 vehicle may be registered is eighty thousand pounds. Transporting for hire by such a motor
4 vehicle is prohibited.

5 2. Upon application to the director of revenue accompanied by an affidavit signed by the
6 owner or owners stating that the motor vehicle to be licensed as a land improvement contractors'
7 commercial motor vehicle shall not be operated in any manner other than as prescribed in section
8 301.010, and by the amount of the registration fee prescribed above, and otherwise complying
9 with the laws relating to the registration and licensing of motor vehicles, the owner or owners
10 shall be issued a set of land improvement contractors' license plates. [The advisory committee
11 established in section 301.129 shall determine the characteristic features of land improvement
12 contractors' license plates so that they may be readily identified as such, except that such license
13 plates shall be made with fully reflective material with a common color scheme and design, shall
14 be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.
15 Any rule or portion of a rule promulgated pursuant to sections 301.010, 301.057, 301.058, and
16 301.064 may be suspended by the committee on administrative rules until such time as the
17 general assembly may by concurrent resolution reinstate such rule] **The director of revenue
18 shall by regulation determine the characteristic features of land improvement contractors'
19 license plates so that they may be readily identified as such.**

[32.125. 1. No rule or portion of a rule promulgated under the authority
2 of this chapter or any provisions of any other chapter by the department of
3 revenue shall become effective until it has been approved by the joint committee
4 on administrative rules in accordance with the procedures provided herein, and
5 the delegation of the legislative authority to enact law by the adoption of such
6 rules is dependent upon the power of the joint committee on administrative rules
7 to review and suspend rules pending ratification by the senate and the house of
8 representatives as provided herein.

9 2. Upon filing any proposed rule with the secretary of state, the
10 department of revenue shall concurrently submit such proposed rule to the
11 committee, which may hold hearings upon any proposed rule or portion thereof
12 at any time.

13 3. A final order of rulemaking shall not be filed with the secretary of state
14 until thirty days after such final order of rulemaking has been received by the
15 committee. The committee may hold one or more hearings upon such final order
16 of rulemaking during the thirty-day period. If the committee does not disapprove
17 such order of rulemaking within the thirty-day period, the department of revenue
18 may file such order of rulemaking with the secretary of state and the order of
19 rulemaking shall be deemed approved.

20 4. The committee may, by majority vote of the members, suspend the
21 order of rulemaking or portion thereof by action taken prior to the filing of the
22 final order of rulemaking only for one or more of the following grounds:

- 23 (1) An absence of statutory authority for the proposed rule;
24 (2) An emergency relating to public health, safety or welfare;
25 (3) The proposed rule is in conflict with state law;
26 (4) A substantial change in circumstance since enactment of the law upon
27 which the proposed rule is based.

28 5. If the committee disapproves any rule or portion thereof, the
29 department of revenue shall not file such disapproved portion of any rule with the
30 secretary of state and the secretary of state shall not publish in the Missouri
31 Register any final order of rulemaking containing the disapproved portion.

32 6. If the committee disapproves any rule or portion thereof, the
33 committee shall report its findings to the senate and the house of representatives.
34 No rule or portion thereof disapproved by the committee shall take effect so long
35 as the senate and the house of representatives ratify the act of the joint committee
36 by resolution adopted in each house within thirty legislative days after such rule
37 or portion thereof has been disapproved by the joint committee.

38 7. Upon adoption of a rule as provided herein, any such rule or portion
39 thereof may be suspended or revoked by the general assembly either by bill or,
40 pursuant to section 8, article IV of the constitution, by concurrent resolution upon
41 recommendation of the joint committee on administrative rules. The committee
42 shall be authorized to hold hearings and make recommendations pursuant to the
43 provisions of section 536.037, RSMo. The secretary of state shall publish in the
44 Missouri Register, as soon as practicable, notice of the suspension or revocation.]

45
2 [52.315. 1. The two-sevenths collected to fund the tax maintenance fund
3 under subdivision (1) of section 52.290 and all moneys collected to fund the tax
4 maintenance fund under subdivision (2) of section 52.290 shall be transmitted
5 monthly for deposit into the tax maintenance fund and used for additional
6 administration and operation costs for the office of collector. Any costs shall
include, but shall not be limited to, those costs that require any additional

7 out-of-pocket expense by the office of collector and it may include
8 reimbursement to county general revenue for the salaries of employees of the
9 office of collector for hours worked and any other expenses necessary to conduct
10 and execute the duties and responsibilities of such office.

11 2. The tax maintenance fund may also be used by the collector for
12 training, purchasing new or upgrading information technology, equipment or
13 other essential administrative expenses necessary to carry out the duties and
14 responsibilities of the office of collector, including anything necessarily
15 pertaining thereto.

16 3. The collector has the sole responsibility for all expenditures made
17 from the tax maintenance fund and shall approve all expenditures from such
18 fund. All such expenditures from the tax maintenance fund shall not be used to
19 substitute for or subsidize any allocation of county general revenue for the
20 operation of the office of collector.

21 4. The tax maintenance fund may be audited by the appropriate auditing
22 agency. Any unexpended balance shall be left in the tax maintenance fund, to
23 accumulate from year to year with interest.]
24

2 [67.281. On or before the date of entering into a purchase contract, any
3 builder of single-family dwellings or residences or multifamily dwellings of four
4 or fewer units shall offer to any purchaser the option to install or equip such
5 dwellings or residences with a fire sprinkler system at the purchaser's cost.
6 Notwithstanding any other provision of law to the contrary, no code, order,
7 ordinance, rule, regulation, or resolution adopted by any political subdivision
8 shall be construed to deny any purchaser of any such dwelling or residence the
9 option to choose or decline the installation or equipping of such dwelling or
10 residence with a fire sprinkler system. Any code, order, ordinance, rule,
11 regulation, or resolution adopted by any political subdivision shall include a
12 provision requiring each builder to provide each purchaser of any such dwelling
13 or residence with the option of purchasing a fire sprinkler system for such
14 dwelling or residence. This section shall expire on December 31, 2011.]

2 [67.1305. 1. As used in this section, the term "city" shall mean any
3 incorporated city, town, or village.

4 2. In lieu of the sales taxes authorized under sections 67.1300 and
5 67.1303, the governing body of any city or county may impose, by order or
6 ordinance, a sales tax on all retail sales made in the city or county which are
7 subject to sales tax under chapter 144, RSMo. The tax authorized in this section
8 shall not be more than one-half of one percent. The order or ordinance imposing
9 the tax shall not become effective unless the governing body of the city or county
10 submits to the voters of the city or county at any citywide, county, or state
11 general, primary, or special election a proposal to authorize the governing body
to impose a tax under this section. The tax authorized in this section shall be in

12 addition to all other sales taxes imposed by law, and shall be stated separately
 13 from all other charges and taxes. The tax authorized in this section shall not be
 14 imposed by any city or county that has imposed a tax under section 67.1300 or
 15 67.1303 unless the tax imposed under those sections has expired or been
 16 repealed.

17 3. The ballot of submission for the tax authorized in this section shall be
 18 in substantially the following form:

19 Shall (insert the name of the city or county) impose a
 20 sales tax at a rate of (insert rate of percent) percent for economic
 21 development purposes?

22 YES NO If a majority of the votes cast on the question by the
 23 qualified voters voting thereon are in favor of the question, then the tax shall
 24 become effective on the first day of the second calendar quarter following the
 25 calendar quarter in which the election was held. If a majority of the votes cast on
 26 the question by the qualified voters voting thereon are opposed to the question,
 27 then the tax shall not become effective unless and until the question is
 28 resubmitted under this section to the qualified voters and such question is
 29 approved by a majority of the qualified voters voting on the question, provided
 30 that no proposal shall be resubmitted to the voters sooner than twelve months
 31 from the date of the submission of the last proposal.

32 4. All sales taxes collected by the director of revenue under this section
 33 on behalf of any county or city or municipality, less one percent for cost of
 34 collection which shall be deposited in the state's general revenue fund after
 35 payment of premiums for surety bonds as provided in section 32.087, RSMo,
 36 shall be deposited in a special trust fund, which is hereby created, to be known
 37 as the "Local Option Economic Development Sales Tax Trust Fund".

38 5. The moneys in the local option economic development sales tax trust
 39 fund shall not be deemed to be state funds and shall not be commingled with any
 40 funds of the state. The director of revenue shall keep accurate records of the
 41 amount of money in the trust fund and which was collected in each city or county
 42 imposing a sales tax under and pursuant to this section, and the records shall be
 43 open to the inspection of officers of the city or county and the public.

44 6. Not later than the tenth day of each month, the director of revenue
 45 shall distribute all moneys deposited in the trust fund during the preceding month
 46 to the city or county which levied the tax. Such funds shall be deposited with the
 47 county treasurer of each such county or the appropriate city or municipal officer
 48 in the case of a city or municipal tax, and all expenditures of funds arising from
 49 the local option economic development sales tax trust fund shall be in accordance
 50 with this section.

51 7. The director of revenue may authorize the state treasurer to make
 52 refunds from the amounts in the trust fund and credited to any city or county for
 53 erroneous payments and overpayments made, and may redeem dishonored checks
 54 and drafts deposited to the credit of such cities and counties.

55 8. If any county or city or municipality abolishes the tax, the city or
56 county shall notify the director of revenue of the action at least ninety days prior
57 to the effective date of the repeal and the director of revenue may order retention
58 in the trust fund, for a period of one year, of two percent of the amount collected
59 after receipt of such notice to cover possible refunds or overpayment of the tax
60 and to redeem dishonored checks and drafts deposited to the credit of such
61 accounts. After one year has elapsed after the effective date of abolition of the
62 tax in such city or county, the director of revenue shall remit the balance in the
63 account to the city or county and close the account of that city or county. The
64 director of revenue shall notify each city or county of each instance of any
65 amount refunded or any check redeemed from receipts due the city or county.

66 9. Except as modified in and by this section, all provisions of sections
67 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this
68 section.

69 10. (1) No revenue generated by the tax authorized in this section shall
70 be used for any retail development project, except for the redevelopment of
71 downtown areas and historic districts. Not more than twenty-five percent of the
72 revenue generated shall be used annually for administrative purposes, including
73 staff and facility costs.

74 (2) At least twenty percent of the revenue generated by the tax
75 authorized in this section shall be used solely for projects directly related to
76 long-term economic development preparation, including, but not limited to, the
77 following:

78 (a) Acquisition of land;
79 (b) Installation of infrastructure for industrial or business parks;
80 (c) Improvement of water and wastewater treatment capacity;
81 (d) Extension of streets;
82 (e) Public facilities directly related to economic development and job
83 creation; and

84 (f) Providing matching dollars for state or federal grants relating to such
85 long-term projects.

86 (3) The remaining revenue generated by the tax authorized in this section
87 may be used for, but shall not be limited to, the following:

88 (a) Marketing;
89 (b) Providing grants and loans to companies for job training, equipment
90 acquisition, site development, and infrastructures;

91 (c) Training programs to prepare workers for advanced technologies and
92 high skill jobs;

93 (d) Legal and accounting expenses directly associated with the economic
94 development planning and preparation process; and

95 (e) Developing value-added and export opportunities for Missouri
96 agricultural products.

97 11. All revenue generated by the tax shall be deposited in a special trust
98 fund and shall be used solely for the designated purposes. If the tax is repealed,
99 all funds remaining in the special trust fund shall continue to be used solely for
100 the designated purposes. Any funds in the special trust fund which are not
101 needed for current expenditures may be invested by the governing body in
102 accordance with applicable laws relating to the investment of other city or county
103 funds.

104 12. (1) Any city or county imposing the tax authorized in this section
105 shall establish an economic development tax board. The volunteer board shall
106 receive no compensation or operating budget.

107 (2) The economic development tax board established by a city shall
108 consist of five members, to be appointed as follows:

109 (a) One member shall be appointed by the school districts included
110 within any economic development plan or area funded by the sales tax authorized
111 in this section. Such member shall be appointed in any manner agreed upon by
112 the affected districts;

113 (b) Three members shall be appointed by the chief elected officer of the
114 city with the consent of the majority of the governing body of the city; and

115 (c) One member shall be appointed by the governing body of the county
116 in which the city is located.

117 (3) The economic development tax board established by a county shall
118 consist of seven members, to be appointed as follows:

119 (a) One member shall be appointed by the school districts included
120 within any economic development plan or area funded by the sales tax authorized
121 in this section. Such member shall be appointed in any manner agreed upon by
122 the affected districts;

123 (b) Four members shall be appointed by the governing body of the
124 county; and

125 (c) Two members from the cities, towns, or villages within the county
126 appointed in any manner agreed upon by the chief elected officers of the cities,
127 towns or villages. Of the members initially appointed, three shall be designated
128 to serve for terms of two years, and the remaining members shall be designated
129 to serve for a term of four years from the date of such initial appointments.
130 Thereafter, the members appointed shall serve for a term of four years, except
131 that all vacancies shall be filled for unexpired terms in the same manner as were
132 the original appointments.

133 13. The board, subject to approval of the governing body of the city or
134 county, shall consider economic development plans, economic development
135 projects, or designations of an economic development area, and shall hold public
136 hearings and provide notice of any such hearings. The board shall vote on all
137 proposed economic development plans, economic development projects, or
138 designations of an economic development area, and amendments thereto, within
139 thirty days following completion of the hearing on any such plan, project, or

140 designation, and shall make recommendations to the governing body within
141 ninety days of the hearing concerning the adoption of or amendment to economic
142 development plans, economic development projects, or designations of an
143 economic development area. The governing body of the city or county shall have
144 the final determination on use and expenditure of any funds received from the tax
145 imposed under this section.

146 14. The board may consider and recommend using funds received from
147 the tax imposed under this section for plans, projects, or area designations outside
148 the boundaries of the city or county imposing the tax if, and only if:

149 (1) The city or county imposing the tax or the state receives significant
150 economic benefit from the plan, project, or area designation; and

151 (2) The board establishes an agreement with the governing bodies of all
152 cities and counties in which the plan, project, or area designation is located
153 detailing the authority and responsibilities of each governing body with regard to
154 the plan, project, or area designation.

155 15. Notwithstanding any other provision of law to the contrary, the local
156 option economic development sales tax imposed under this section when
157 imposed within a special taxing district, including but not limited to a tax
158 increment financing district, neighborhood improvement district, or community
159 improvement district, shall be excluded from the calculation of revenues
160 available to such districts, and no revenues from any sales tax imposed under this
161 section shall be used for the purposes of any such district unless recommended
162 by the economic development tax board established under this section and
163 approved by the governing body imposing the tax.

164 16. The board and the governing body of the city or county imposing the
165 tax shall report at least annually to the governing body of the city or county on the
166 use of the funds provided under this section and on the progress of any plan,
167 project, or designation adopted under this section and shall make such report
168 available to the public.

169 17. Not later than the first day of March each year the department of
170 economic development shall submit to the joint committee on economic
171 development a report which shall include the following information for each
172 project using the tax authorized under this section:

173 (1) A statement of its primary economic development goals;

174 (2) A statement of the total economic development sales tax revenues
175 received during the immediately preceding calendar year; and

176 (3) A statement of total expenditures during the preceding calendar year
177 in each of the following categories:

178 (a) Infrastructure improvements;

179 (b) Land and or buildings, or both;

180 (c) Machinery and equipment;

181 (d) Job training investments;

182 (e) Direct business incentives;

- 183 (f) Marketing;
- 184 (g) Administration and legal expenses; and
- 185 (h) Other expenditures.

186 18. The governing body of any city or county that has adopted the sales
 187 tax authorized in this section may submit the question of repeal of the tax to the
 188 voters on any date available for elections for the city or county. The ballot of
 189 submission shall be in substantially the following form:

190 Shall (insert the name of the city or county) repeal
 191 the sales tax imposed at a rate of (insert rate of percent) percent for economic
 192 development purposes?

193 YES NO If a majority of the votes cast on the proposal are
 194 in favor of repeal, that repeal shall become effective on December thirty-first of
 195 the calendar year in which such repeal was approved. If a majority of the votes
 196 cast on the question by the qualified voters voting thereon are opposed to the
 197 repeal, then the sales tax authorized in this section shall remain effective until the
 198 question is resubmitted under this section to the qualified voters of the city or
 199 county, and the repeal is approved by a majority of the qualified voters voting on
 200 the question.

201 19. If any provision of this section or section 67.1303 or the application
 202 thereof to any person or circumstance is held invalid, the invalidity shall not
 203 affect other provisions or application of this section or section 67.1303 which can
 204 be given effect without the invalid provision or application, and to this end the
 205 provisions of this section and section 67.1303 are declared severable.]

206 [91.055. Other provisions of law to the contrary notwithstanding, in any
 2 first class county with a charter form of government and a population greater than
 3 six hundred thousand and less than nine hundred thousand persons, any person
 4 who, on June 29, 1999, is a water service customer of any municipality located
 5 in whole or in part in such county may continue to receive water service from
 6 such municipality even in the event that a public water supply district shall claim
 7 the exclusive right to provide water service to such person.]

8 [115.348. No person shall qualify as a candidate for elective public office
 2 in the state of Missouri who has been convicted of or pled guilty to a felony or
 3 misdemeanor under the federal laws of the United States of America.]

4 [141.550. 1. The sale shall be conducted, the sheriff's return thereof
 2 made, and the sheriff's deed pursuant to the sale executed, all as provided in the
 3 case of sales of real estate taken under execution except as otherwise provided
 4 in sections 141.210 to 141.810, and provided that such sale need not occur during
 5 the term of court or while the court is in session.

6 2. The following provisions shall apply to any sale pursuant to this
 7 section of property located within any municipality contained wholly or partially

8 within a county with a population of over six hundred thousand and less than nine
9 hundred thousand:

10 (1) The sale shall be held on the day for which it is advertised, between
11 the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day
12 thereafter to satisfy the judgment as to each respective parcel of real estate sold;

13 (2) The sale shall be conducted publicly, by auction, for ready money.
14 The highest bidder shall be the purchaser unless the highest bid is less than the
15 full amount of all tax bills included in the judgment, interest, penalties, attorney's
16 fees and costs then due thereon. No person shall be eligible to bid at the time of
17 the sale unless such person has, no later than ten days before the sale date,
18 demonstrated to the satisfaction of the official charged by law with conducting
19 the sale that he or she is not the owner of any parcel of real estate in the county
20 which is affected by a tax bill which has been delinquent for more than six
21 months and is not the owner of any parcel of real property with two or more
22 convictions based on violations occurring within a two-year period of the
23 municipality's building or housing codes. A prospective bidder may make such
24 a demonstration by presenting statements from the appropriate collection and
25 code enforcement officials of the municipality.

26 3. Such sale shall convey the whole interest of every person having or
27 claiming any right, title or interest in or lien upon such real estate, whether such
28 person has answered or not, subject to rights-of-way thereon of public utilities
29 upon which tax has been otherwise paid, and subject to the lien thereon, if any,
30 of the United States of America.

31 4. The collector shall advance the sums necessary to pay for the
32 publication of all advertisements required by sections 141.210 to 141.810 and
33 shall be allowed credit therefor in his or her accounts with the county. The
34 collector shall give credit in such accounts for all such advances recovered by
35 him or her. Such expenses of publication shall be apportioned pro rata among
36 and taxed as costs against the respective parcels of real estate described in the
37 judgment; provided, however, that none of the costs herein enumerated, including
38 the costs of publication, shall constitute any lien upon the real estate after such
39 sale.]
40

2 [171.035. Any school district that cancelled classes or dismissed classes
3 early for weather-related reasons for any of its schools for any days from January
4 11, 2007, to January 22, 2007, shall not be required to make up the days or hours
5 lost during such time. The requirement for scheduling two-thirds of the missed
6 days into the next year's calendar under subsection 1 of section 171.033 shall be
7 waived for the 2007-08 school year.]

2 [171.035. Except a school district with an assessed valuation of three
3 hundred million dollars or more and with territory in a county of the second
classification, no school district with any territory contained in a county declared

4 to be a federal disaster area on January 16, 2007, that cancelled classes or
5 dismissed classes early for weather-related reasons for any of its schools for any
6 days from January 15 to January 22, 2007, shall be required to make up the days
7 or hours lost during such time. School districts in counties not included in the
8 federal disaster area that have missed eight or more days due to inclement
9 weather during the 2006-07 school year shall not be required to make up the days
10 or hours for six of those days. The requirement for scheduling two-thirds of the
11 missed days into the next year's calendar under subsection 1 of section 171.033
12 shall be waived for the 2007-08 school year.]
13

[192.632. 1. There is hereby created a "Chronic Kidney Disease Task
2 Force". Unless otherwise stated, members shall be appointed by the director of
3 the department of health and senior services and shall include, but not be limited
4 to, the following members:

5 (1) Two physicians appointed from lists submitted by the Missouri State
6 Medical Association;

7 (2) Two nephrologists;

8 (3) Two family physicians;

9 (4) Two pathologists;

10 (5) One member who represents owners or operators of clinical
11 laboratories in the state;

12 (6) One member who represents a private renal care provider;

13 (7) One member who has a chronic kidney disease;

14 (8) One member who represents the state affiliate of the National Kidney
15 Foundation;

16 (9) One member who represents the Missouri Kidney Program;

17 (10) Two members of the house of representatives appointed by the
18 speaker of the house of representatives;

19 (11) Two members of the senate appointed by the president pro tempore
20 of the senate;

21 (12) Additional members may be chosen to represent public health
22 clinics, community health centers, and private health insurers.

23 2. A chairperson and a vice chairperson shall be elected by the members
24 of the task force.

25 3. The chronic kidney task force shall:

26 (1) Develop a plan to educate the public and health care professionals
27 about the advantages and methods of early screening, diagnosis, and treatment
28 of chronic kidney disease and its complications based on kidney disease
29 outcomes, quality initiative clinical practice guidelines for chronic kidney
30 disease, or other medically recognized clinical practice guidelines;

31 (2) Make recommendations on the implementation of a cost-effective
32 plan for early screening, diagnosis, and treatment of chronic kidney disease for
33 the state's population;

34 (3) Identify barriers to adoption of best practices and potential public
35 policy options to address such barriers;

36 (4) Submit a report of its findings and recommendations to the general
37 assembly within one year of its first meeting.

38 4. The department of health and senior services shall provide all
39 necessary staff, research, and meeting facilities for the chronic kidney disease
40 task force.]
41

[192.632. 1. There is hereby created a "Chronic Kidney Disease Task
2 Force". Unless otherwise stated, members shall be appointed by the director of
3 the department of health and senior services and shall include, but not be limited
4 to, the following members:

5 (1) Two physicians appointed from lists submitted by the Missouri state
6 medical association;

7 (2) Two nephrologists;

8 (3) Two family physicians;

9 (4) Two pathologists;

10 (5) One member who represents owners or operators of clinical
11 laboratories in the state;

12 (6) One member who represents a private renal care provider;

13 (7) One member who has a chronic kidney disease;

14 (8) One member who represents the state affiliate of the National Kidney
15 Foundation;

16 (9) One member who represents the Missouri kidney program;

17 (10) Two members of the house of representatives appointed by the
18 speaker of the house;

19 (11) Two members of the senate appointed by the president pro tem of
20 the senate;

21 (12) Additional members may be chosen to represent public health
22 clinics, community health centers, and private health insurers.

23 2. A chairperson and vice chairperson shall be elected by the members
24 of the task force.

25 3. The chronic kidney disease task force shall:

26 (1) Develop a plan to educate the public and health care professionals
27 about the advantages and methods of early screening, diagnosis, and treatment
28 of chronic kidney disease and its complications based on kidney disease
29 outcomes, quality initiative clinical practice guidelines for chronic kidney
30 disease, or other medically recognized clinical practice guidelines;

31 (2) Make recommendations on the implementation of a cost-effective
32 plan for early screening, diagnosis, and treatment of chronic kidney disease for
33 the state's population;

34 (3) Identify barriers to adoption of best practices and potential public
35 policy options to address such barriers;

36 (4) Submit a report of its findings and recommendations to the general
37 assembly by August 30, 2008.

38 4. The department of health and senior services shall provide all
39 necessary staff, research, and meeting facilities for the chronic kidney disease
40 task force.

41 5. The provisions of this section shall expire August 30, 2008.]
42

[217.777. 1. The department shall administer a community corrections
2 program to encourage the establishment of local sentencing alternatives for
3 offenders to:

4 (1) Promote accountability of offenders to crime victims, local
5 communities and the state by providing increased opportunities for offenders to
6 make restitution to victims of crime through financial reimbursement or
7 community service;

8 (2) Ensure that victims of crime are included in meaningful ways in
9 Missouri's response to crime;

10 (3) Provide structured opportunities for local communities to determine
11 effective local sentencing options to assure that individual community programs
12 are specifically designed to meet local needs;

13 (4) Reduce the cost of punishment, supervision and treatment
14 significantly below the annual per-offender cost of confinement within the
15 traditional prison system; and

16 (5) Improve public confidence in the criminal justice system by involving
17 the public in the development of community-based sentencing options for eligible
18 offenders.

19 2. The program shall be designed to implement and operate
20 community-based restorative justice projects including, but not limited to:
21 preventive or diversionary programs, community-based intensive probation and
22 parole services, community-based treatment centers, day reporting centers, and
23 the operation of facilities for the detention, confinement, care and treatment of
24 adults under the purview of this chapter.

25 3. The department shall promulgate rules and regulations for operation
26 of the program established pursuant to this section as provided for in section
27 217.040 and chapter 536, RSMo.

28 4. Any proposed program or strategy created pursuant to this section shall
29 be developed after identification of a need in the community for such programs,
30 through consultation with representatives of the general public, judiciary, law
31 enforcement and defense and prosecution bar.

32 5. Until December 31, 2000, in communities where local volunteer
33 community boards are established at the request of the court, the following
34 guidelines apply:

35 (1) The department shall provide a program of training to eligible
36 volunteers and develop specific conditions of a probation program and conditions

37 of probation for offenders referred to it by the court. Such conditions, as
38 established by the community boards and the department, may include
39 compensation and restitution to the community and the victim by fines, fees, day
40 fines, victim-offender mediation, participation in victim impact panels,
41 community service, or a combination of the aforementioned conditions;

42 (2) In referring offenders to local volunteer community boards for
43 probation supervision pursuant to this section, the court is encouraged to select
44 those volunteers who live in close geographical proximity to the community in
45 which the crime is alleged to have occurred for supervision purposes;

46 (3) The term of probation shall not exceed five years and may be
47 concluded by the court when conditions imposed are met to the satisfaction of the
48 local volunteer community board.

49 6. The department may staff programs created pursuant to this section
50 with employees of the department or may contract with other public or private
51 agencies for delivery of services as otherwise provided by law.]
52

2 [227.381. The portion of interstate 55 in St. Louis County between Butler
3 Hill Road and Meramec Bottom Road shall be designated the "Officer Thomas
4 G. Smith Jr. Memorial Highway".]

2 [228.362. 1. Unless exceptions to the commissioners' report have been
3 filed pursuant to section 228.358, the plaintiffs shall not be entitled to use of the
4 private road until judgment is entered and becomes final and appeals, if any, have
5 been exhausted and the plaintiffs have satisfied the damage award contained in
6 the judgment. The plaintiffs may voluntarily abandon the proceedings and
7 dismiss the petition at any time prior to satisfaction of the damage award, and if
8 the plaintiffs do not satisfy the damage award within sixty days following the date
9 upon which the judgment becomes final and appeals, if any, have been exhausted,
10 then the proceedings shall be deemed abandoned. In either instance, the circuit
11 court shall retain jurisdiction solely to enter an order vacating the judgment,
12 dismissing the petition and ordering disposition of the bond, if any. No execution
13 shall issue on the damage award. If the plaintiffs shall have used the private road
14 before judgment has become final and appeals, if any, have been exhausted and
15 the private road is not for any reason established according to the terms of
16 sections 228.342 to 228.368, after final judgment and appeals, the plaintiffs and
17 their sureties shall be liable on their bond for all damages and costs occasioned
18 by such use of the private road. If the petition is voluntarily dismissed after the
19 filing of the commissioners' report or is deemed abandoned, the plaintiffs and the
20 successors and assigns to the real property which was the subject of the petition
21 shall be barred for a period of seven years from the date of the abandonment or
22 dismissal from filing another petition under sections 228.342 to 228.368, for the
23 establishment of a private road over the same or any part of the real property over
which the private road was sought in the prior petition.

24 2. If a party files exceptions to the commissioners' report pursuant to this
25 section, the plaintiffs shall be entitled to use of the private road before judgment
26 is entered and becomes final and appeals, if any, have been exhausted, if the
27 plaintiffs shall have given an appeal bond in an amount as the circuit court deems
28 sufficient to pay the probable damages that plaintiffs will owe and costs.]
29

[286.060. 1. It shall be the duty of the commission, and it shall have
2 power, jurisdiction and authority:

3 (1) To sue and be sued in its official name;

4 (2) To have and use an official seal bearing the following inscription:
5 "The Labor and Industrial Relations Commission of the State of Missouri", which
6 shall be judicially noticed;

7 (3) To have all powers, duties and responsibilities conferred or imposed
8 upon it by the workers' compensation law (chapter 287, RSMo), the victims of
9 crime law, chapter 595, RSMo, the division of labor standards law (within
10 chapters 286, 290, 291, 292, 293, 294 and 444, RSMo), and the unemployment
11 compensation law (chapter 288, RSMo);

12 (4) To approve or disapprove all rules or regulations promulgated by any
13 division within the department;

14 (5) To establish and maintain as far as practicable a central system of
15 collecting, preparing, compiling and reporting all material for statistical use in all
16 divisions of the department of labor and industrial relations, and to this end the
17 department shall have access to the books and records of all state departments,
18 except those which are required by law to be kept confidential. The commission
19 may by regulation permit employers or other persons to file combined reports of
20 information required by law to be reported to the several divisions within the
21 department whenever it finds that same or similar information is required by law
22 to be reported by such employers or persons to more than one division within the
23 department;

24 (6) To maintain, as far as practicable, a central system for payroll and
25 other accounting for the several divisions in the department;

26 (7) To compile and publish, in printed form, at the expense of the
27 divisions within the department all rules and regulations (except such rules and
28 regulations which relate to the internal management of the department) which
29 have been adopted by or with the approval of the commission, and to furnish
30 copies thereof to any citizen of the state upon request;

31 (8) To adopt all regulations necessary to the efficient internal
32 management of the department, not inconsistent with any provisions of law; and
33 to adopt regulations governing its proceedings in connection with the exercise of
34 its quasi-judicial functions;

35 (9) The commission or any member of the commission may hold
36 hearings, require the attendance of witnesses, administer oaths and take
37 testimony;

38 (10) Each of the commissioners shall have power to certify to official
39 acts;

40 (11) To prepare and submit to each regular session of the general
41 assembly and to the governor at the beginning of each session of the general
42 assembly, a complete and detailed report of the activities of the department,
43 including the activities of each division within the department, during the
44 preceding biennial period. Such report shall include a balance sheet of the
45 moneys in the various administrative funds under its jurisdiction as well as all
46 information required to be reported by the various laws under its jurisdiction,
47 which reports shall be in lieu of any report to the general assembly now required
48 by law for any department or office, the powers and duties of which are by this
49 chapter vested in a division in the department of labor and industrial relations;

50 (12) To require the division of employment security to furnish it with a
51 stenographer or clerk to file, process and keep records of all cases appealed from
52 that division to the labor and industrial relations commission; and

53 (13) To have and perform such other powers and duties as may be
54 conferred or imposed upon it by law.

55 2. No rule or portion of a rule promulgated under the authority of this
56 chapter shall become effective until it has been approved by the joint committee
57 on administrative rules in accordance with the procedures provided in this
58 section, and the delegation of the legislative authority to enact law by the
59 adoption of such rules is dependent upon the power of the joint committee on
60 administrative rules to review and suspend rules pending ratification by the
61 senate and the house of representatives as provided in this section.

62 3. Upon filing any proposed rule with the secretary of state, the filing
63 agency shall concurrently submit such proposed rule to the committee, which
64 may hold hearings upon any proposed rule or portion thereof at any time.

65 4. A final order of rulemaking shall not be filed with the secretary of state
66 until thirty days after such final order of rulemaking has been received by the
67 committee. The committee may hold one or more hearings upon such final order
68 of rulemaking during the thirty-day period. If the committee does not disapprove
69 such order of rulemaking within the thirty-day period, the filing agency may file
70 such order of rulemaking with the secretary of state and the order of rulemaking
71 shall be deemed approved.

72 5. The committee may, by majority vote of the members, suspend the
73 order of rulemaking or portion thereof by action taken prior to the filing of the
74 final order of rulemaking only for one or more of the following grounds:

75 (1) An absence of statutory authority for the proposed rule;

76 (2) An emergency relating to public health, safety or welfare;

77 (3) The proposed rule is in conflict with state law;

78 (4) A substantial change in circumstance since enactment of the law upon
79 which the proposed rule is based.

80 6. If the committee disapproves any rule or portion thereof, the filing
81 agency shall not file such disapproved portion of any rule with the secretary of
82 state and the secretary of state shall not publish in the Missouri Register any final
83 order of rulemaking containing the disapproved portion.

84 7. If the committee disapproves any rule or portion thereof, the
85 committee shall report its findings to the senate and the house of representatives.
86 No rule or portion thereof disapproved by the committee shall take effect so long
87 as the senate and the house of representatives ratify the act of the joint committee
88 by resolution adopted in each house within thirty legislative days after such rule
89 or portion thereof has been disapproved by the joint committee.

90 8. Upon adoption of a rule as provided in this section, any such rule or
91 portion thereof may be suspended or revoked by the general assembly either by
92 bill or, pursuant to section 8, article IV of the Constitution of Missouri, by
93 concurrent resolution upon recommendation of the joint committee on
94 administrative rules. The committee shall be authorized to hold hearings and
95 make recommendations pursuant to the provisions of section 536.037, RSMo.
96 The secretary of state shall publish in the Missouri Register, as soon as
97 practicable, notice of the suspension or revocation.]
98

 [301.630. 1. A lienholder may assign, absolutely or otherwise, his or her
2 lien or encumbrance in the motor vehicle or trailer to a person other than the
3 owner without affecting the interest of the owner or the validity or effect of the
4 lien or encumbrance, but any person without notice of the assignment is protected
5 in dealing with the lienholder as the holder of the lien or encumbrance and the
6 lienholder remains liable for any obligations as lienholder until the assignee is
7 named as lienholder on the certificate.

8 2. The assignee may, but need not perfect the assignment, have the
9 certificate of ownership endorsed or issued with the assignee named as
10 lienholder, upon delivering to the director of revenue the certificate and an
11 assignment by the lienholder named in the certificate in the form the director of
12 revenue prescribes the application and the required fee.

13 3. If the certificate of ownership is being electronically retained by the
14 director of revenue, the original lienholder may mail or deliver a notice of
15 assignment of a lien to the director in a form prescribed by the director. Upon
16 receipt of notice of assignment the director shall update the electronic certificate
17 of ownership to reflect the assignment of the lien and lienholder.]
18

 [304.156. 1. Within five working days of receipt of the crime inquiry and
2 inspection report under section 304.155 or the abandoned property report under
3 section 304.157, the director of revenue shall search the records of the
4 department of revenue, or initiate an inquiry with another state, if the evidence
5 presented indicated the abandoned property was registered or titled in another
6 state, to determine the name and address of the owner and lienholder, if any.

7 After ascertaining the name and address of the owner and lienholder, if any, the
8 department shall, within fifteen working days, notify the towing company. Any
9 towing company which comes into possession of abandoned property pursuant
10 to section 304.155 or 304.157 and who claims a lien for recovering, towing or
11 storing abandoned property shall give notice to the title owner and to all persons
12 claiming a lien thereon, as disclosed by the records of the department of revenue
13 or of a corresponding agency in any other state. The towing company shall notify
14 the owner and any lienholder within ten business days of the date of mailing
15 indicated on the notice sent by the department of revenue, by certified mail,
16 return receipt requested. The notice shall contain the following:

17 (1) The name, address and telephone number of the storage facility;

18 (2) The date, reason and place from which the abandoned property was
19 removed;

20 (3) A statement that the amount of the accrued towing, storage and
21 administrative costs are the responsibility of the owner, and that storage and/or
22 administrative costs will continue to accrue as a legal liability of the owner until
23 the abandoned property is redeemed;

24 (4) A statement that the storage firm claims a possessory lien for all such
25 charges;

26 (5) A statement that the owner or holder of a valid security interest of
27 record may retake possession of the abandoned property at any time during
28 business hours by proving ownership or rights to a secured interest and paying
29 all towing and storage charges;

30 (6) A statement that, should the owner consider that the towing or
31 removal was improper or not legally justified, the owner has a right to request a
32 hearing as provided in this section to contest the propriety of such towing or
33 removal;

34 (7) A statement that if the abandoned property remains unclaimed for
35 thirty days from the date of mailing the notice, title to the abandoned property
36 will be transferred to the person or firm in possession of the abandoned property
37 free of all prior liens; and

38 (8) A statement that any charges in excess of the value of the abandoned
39 property at the time of such transfer shall remain a liability of the owner.

40 2. A towing company may only assess reasonable storage charges for
41 abandoned property towed without the consent of the owner. Reasonable storage
42 charges shall not exceed the charges for vehicles which have been towed with the
43 consent of the owner on a negotiated basis. Storage charges may be assessed
44 only for the time in which the towing company complies with the procedural
45 requirements of sections 304.155 to 304.158.

46 3. In the event that the records of the department of revenue fail to
47 disclose the name of the owner or any lienholder of record, the department shall
48 notify the towing company which shall attempt to locate documents or other
49 evidence of ownership on or within the abandoned property itself. The towing

50 company must certify that a physical search of the abandoned property disclosed
51 that no ownership documents were found and a good faith effort has been made.
52 For purposes of this section, "good faith effort" means that the following checks
53 have been performed by the company to establish the prior state of registration
54 and title:

55 (1) Check of the abandoned property for any type of license plates,
56 license plate record, temporary permit, inspection sticker, decal or other evidence
57 which may indicate a state of possible registration and title;

58 (2) Check the law enforcement report for a license plate number or
59 registration number if the abandoned property was towed at the request of a law
60 enforcement agency;

61 (3) Check the tow ticket/report of the tow truck operator to see if a
62 license plate was on the abandoned property at the beginning of the tow, if a
63 private tow; and

64 (4) If there is no address of the owner on the impound report, check the
65 law enforcement report to see if an out-of-state address is indicated on the driver
66 license information.

67 4. If no ownership information is discovered, the director of revenue shall
68 be notified in writing and title obtained in accordance with subsection 7 of this
69 section.

70 5. (1) The owner of the abandoned property removed pursuant to the
71 provisions of section 304.155 or 304.157 or any person claiming a lien, other
72 than the towing company, within ten days after the receipt of notification from
73 the towing company pursuant to subsection 1 of this section may file a petition
74 in the associate circuit court in the county where the abandoned property is stored
75 to determine if the abandoned property was wrongfully taken or withheld from
76 the owner. The petition shall name the towing company among the defendants.
77 The petition may also name the agency ordering the tow or the owner, lessee or
78 agent of the real property from which the abandoned property was removed. The
79 director of revenue shall not be a party to such petition but a copy of the petition
80 shall be served on the director of revenue who shall not issue title to such
81 abandoned property pursuant to this section until the petition is finally decided.

82 (2) Upon filing of a petition in the associate circuit court, the owner or
83 lienholder may have the abandoned property released upon posting with the court
84 a cash or surety bond or other adequate security equal to the amount of the
85 charges for towing and storage to ensure the payment of such charges in the event
86 he does not prevail. Upon the posting of the bond and the payment of the
87 applicable fees, the court shall issue an order notifying the towing company of the
88 posting of the bond and directing the towing company to release the abandoned
89 property. At the time of such release, after reasonable inspection, the owner or
90 lienholder shall give a receipt to the towing company reciting any claims for loss
91 or damage to the abandoned property or the contents thereof.

92 (3) Upon determining the respective rights of the parties, the final order
93 of the court shall provide for immediate payment in full of recovery, towing, and
94 storage fees by the abandoned property owner or lienholder or the owner, lessee,
95 or agent thereof of the real property from which the abandoned property was
96 removed.

97 6. A towing and storage lien shall be enforced as provided in subsection
98 7 of this section.

99 7. Thirty days after the notification form has been mailed to the
100 abandoned property owner and holder of a security agreement and the property
101 is unredeemed and no satisfactory arrangement has been made with the lienholder
102 in possession for continued storage, and the owner or holder of a security
103 agreement has not requested a hearing as provided in subsection 5 of this section,
104 the lienholder in possession may apply to the director of revenue for a certificate.
105 The application for title shall be accompanied by:

106 (1) An affidavit from the lienholder in possession that he has been in
107 possession of the abandoned property for at least thirty days and the owner of the
108 abandoned property or holder of a security agreement has not made arrangements
109 for payment of towing and storage charges;

110 (2) An affidavit that the lienholder in possession has not been notified of
111 any application for hearing as provided in this section;

112 (3) A copy of the abandoned property report or crime inquiry and
113 inspection report;

114 (4) A copy of the thirty-day notice given by certified mail to any owner
115 and person holding a valid security interest and a copy of the certified mail
116 receipt indicating that the owner and lienholder of record was sent a notice as
117 required in this section; and

118 (5) A copy of the envelope or mailing container showing the address and
119 postal markings indicating that the notice was "not forwardable" or "address
120 unknown".

121 8. If notice to the owner and holder of a security agreement has been
122 returned marked "not forwardable" or "addressee unknown", the lienholder in
123 possession shall comply with subsection 3 of this section.

124 9. Any municipality or county may adopt an ordinance regulating the
125 removal and sale of abandoned property provided such ordinance is consistent
126 with sections 304.155 to 304.158, and, for a home rule city with more than four
127 hundred thousand inhabitants and located in more than one county, includes the
128 following provisions:

129 (1) That the department of revenue records must be searched to
130 determine the registered owner or lienholder of the abandoned property;

131 (2) That if a registered owner or lienholder is disclosed in the records,
132 that the owner and lienholder or owner or lienholder are mailed a notice by the
133 governmental agency, by U.S. mail, advising of the towing and impoundment;

134 (3) That if the vehicle is older than six years and more than fifty percent
135 damaged by collision, fire, or decay, and has a fair market value of less than two
136 hundred dollars as determined by using any nationally recognized appraisal book
137 or method, it must be held no less than ten days after the notice is sent pursuant
138 to this subsection before being sold to a licensed salvage or scrap business;
139 provided however where a title is required under this chapter an affidavit from
140 a certified appraiser attesting that the value of the vehicle is less than two
141 hundred dollars;

142 (4) That all other vehicles must be held no less than thirty days after the
143 notice is sent pursuant to this subsection before they may be sold.

144 10. Any municipality or county which has physical possession of the
145 abandoned property and which sells abandoned property in accordance with a
146 local ordinance may transfer ownership by means of a bill of sale signed by the
147 municipal or county clerk or deputy and sealed with the official municipal or
148 county seal. Such bill of sale shall contain the make and model of the abandoned
149 property, the complete abandoned property identification number and the
150 odometer reading of the abandoned property if available and shall be lawful proof
151 of ownership for any dealer registered under the provisions of section 301.218,
152 RSMo, or section 301.560, RSMo, or for any other person. Any dealer or other
153 person purchasing such property from a municipality or county shall apply within
154 thirty days of purchase for a certificate. Anyone convicted of a violation of this
155 section shall be guilty of an infraction.

156 11. Any persons who have towed abandoned property prior to August 28,
157 1996, may, until January 1, 2000, apply to the department of revenue for a
158 certificate. The application shall be accompanied by:

159 (1) A notarized affidavit explaining the circumstances by which the
160 abandoned property came into their possession, including the name of the owner
161 or possessor of real property from which the abandoned property was removed;

162 (2) The date of the removal;

163 (3) The current location of the abandoned property;

164 (4) An inspection of the abandoned property as prescribed by the
165 director; and

166 (5) A copy of the thirty-day notice given by certified mail to any owner
167 and person holding a valid security interest of record and a copy of the certified
168 mail receipt.

169 12. If the director is satisfied with the genuineness of the application and
170 supporting documents submitted pursuant to this section, the director shall issue
171 one of the following:

172 (1) An original certificate of title if the vehicle owner has obtained a
173 vehicle examination certificate as provided in section 301.190, RSMo, which
174 indicates that the vehicle was not previously in a salvaged condition or rebuilt;

175 (2) An original certificate of title designated as prior salvage if the
 176 vehicle examination certificate as provided in section 301.190, RSMo, indicates
 177 the vehicle was previously in a salvage condition or rebuilt;

178 (3) A salvage certificate of title designated with the words
 179 "salvage/abandoned property" or junking certificate based on the condition of the
 180 abandoned property as stated in the abandoned property report or crime inquiry
 181 and inspection report;

182 (4) Notwithstanding the provisions of section 301.573, RSMo, to the
 183 contrary, if satisfied with the genuineness of the application and supporting
 184 documents, the director shall issue an original title to abandoned property
 185 previously issued a salvage title as provided in this section, if the vehicle
 186 examination certificate as provided in section 301.190, RSMo, does not indicate
 187 the abandoned property was previously in a salvage condition or rebuilt.

188 13. If abandoned property is insured and the insurer of property regards
 189 the property as a total loss and the insurer satisfies a claim by the owner for the
 190 property, then the insurer or lienholder shall claim and remove the property from
 191 the storage facility or make arrangements to transfer the title, and such transfer
 192 of title subject to agreement shall be in complete satisfaction of all claims for
 193 towing and storage, to the towing company or storage facility. The owner of the
 194 abandoned vehicle, lienholder or insurer, to the extent the vehicle owner's
 195 insurance policy covers towing and storage charges, shall pay reasonable fees
 196 assessed by the towing company and storage facility. The property shall be
 197 claimed and removed or title transferred to the towing company or storage facility
 198 within thirty days of the date that the insurer paid a claim for the total loss of the
 199 property or is notified as to the location of the abandoned property, whichever is
 200 the later event. Upon request, the insurer of the property shall supply the towing
 201 company and storage facility with the name, address and phone number of the
 202 insurance company and of the insured and with a statement regarding which party
 203 is responsible for the payment of towing and storage charges under the insurance
 204 policy.]

205 [304.678. The operator of a motor vehicle overtaking a bicycle
 2 proceeding in the same direction on the roadway, as defined in section 300.010,
 3 RSMo, shall leave a safe distance when passing the bicycle, and shall maintain
 4 clearance until safely past the overtaken bicycle.]

5 [321.701. 1. Each member of a fire protection district board located in
 2 any county of the first classification with a population of nine hundred thousand
 3 or more inhabitants shall be subject to recall from office by the registered voters
 4 of the district from which he was elected. Proceedings may be commenced for
 5 the recall of any fire protection district board member by the filing of a notice of
 6 intention to circulate a recall petition pursuant to sections 321.701 to 321.716.

7 2. Proceedings may not be commenced against any member if, at the time
8 of commencement, that member:

9 (1) Has not held office during his current term for a period of more than
10 one hundred eighty days; or

11 (2) Has one hundred eighty days or less remaining in his term; or

12 (3) Has had a recall election determined in his favor within the current
13 term of office.]
14

 [321.714. 1. If the election authority finds the signatures on the petition,
2 together with the supplementary petition sections if any, to be sufficient, it shall
3 submit its certificate as to the sufficiency of the petition to the fire protection
4 district board prior to its next meeting. The certificate shall contain:

5 (1) The name of the member whose recall is sought;

6 (2) The number of signatures required by law;

7 (3) The total number of signatures on the petition;

8 (4) The number of valid signatures on the petition.

9 2. Following the fire protection board's receipt of the certificate, the
10 election authority shall order an election to be held on one of the election days
11 specified in section 115.123, RSMo. The election shall be held not less than
12 forty-five days nor more than one hundred twenty days after the fire protection
13 district board receives the petition. Nominations hereunder shall be made by
14 filing a statement of candidacy with the election authority.

15 3. At any time prior to forty-two days before the election, the member
16 sought to be recalled may offer his resignation. If his resignation is offered, the
17 recall question shall be removed from the ballot and the office declared vacant.
18 The member who resigned may not fill the vacancy which shall be filled as
19 provided by law.]
20

 [324.712. 1. No license shall be issued or renewed unless the applicant
2 files with the division a certificate or certificates of insurance from an insurance
3 company or companies authorized to do business in this state. The applicant
4 must demonstrate that he or she has:

5 (1) Motor vehicle insurance for bodily injury to or death of one or more
6 persons in any one accident and for injury or destruction of property of others in
7 any one accident with minimum coverage of five hundred thousand dollars;

8 (2) Comprehensive general liability insurance with a minimum coverage
9 of two million dollars, including coverage of operations on state streets and
10 highways that are not covered by motor vehicle insurance; and

11 (3) Workers' compensation insurance that complies with chapter 287,
12 RSMo, for all employees.

13 2. The certificate or certificates shall provide for continuous coverage
14 during the effective period of the license issued pursuant to this section. At the
15 time the certificate is filed, the applicant shall also file with the division a current

16 list of all motor vehicles covered by the certificate. The applicant shall file
17 amendments to the list within fifteen days of any changes.

18 3. An insurance company issuing any insurance policy required by this
19 section shall notify the division of any of the following events at least thirty days
20 before its occurrence:

21 (1) Cancellation of the policy;

22 (2) Nonrenewal of the policy by the company; or

23 (3) Any change in the policy.

24 4. In addition to all coverages required by this section, the applicant shall
25 file with the division a copy of either:

26 (1) A bond or other acceptable surety providing coverage in the amount
27 of fifty thousand dollars for the benefit of a person contracting with the
28 housemover to move that person's house for all claims for property damage
29 arising from the movement of a house; or

30 (2) A policy of cargo insurance in the amount of one hundred thousand
31 dollars.]

32
2 [324.1102. 1. The "Board of Private Investigator Examiners" is hereby
3 created within the division of professional registration. The board shall be a body
4 corporate and may sue and be sued.

5 2. The board shall be composed of five members, including two public
6 members, appointed by the governor with the advice and consent of the senate.
7 Except for the public members, each member of the board shall be a citizen of the
8 United States, a resident of Missouri, at least thirty years of age, and shall have
9 been actively engaged in the private investigator business for the previous five
10 years. No more than one private investigator board member may be employed
11 by, or affiliated with, the same private investigator agency. The initial private
12 investigator board members shall not be required to be licensed but shall obtain
13 a license within one hundred eighty days after the effective date of the rules
14 promulgated under sections 324.1100 to 324.1148 regarding licensure. The
15 public members shall each be a registered voter and a person who is not and
16 never was a member of any profession licensed or regulated under sections
17 324.1100 to 324.1148 or the spouse of such person; and a person who does not
18 have and never has had a material, financial interest in either the providing of the
19 professional services regulated by sections 324.1100 to 324.1148, or an activity
20 or organization directly related to any profession licensed or regulated under
21 sections 324.1100 to 324.1148. The duties of the public members shall not
22 include the determination of the technical requirements to be met for licensure
23 or whether any person meets such technical requirements or of the technical
24 competence or technical judgment of a licensee or a candidate for licensure.

25 3. The members shall be appointed for terms of two years, except those
26 first appointed, in which case two members, who shall be private investigators,
shall be appointed for terms of four years, two members shall be appointed for

27 terms of three years, and one member shall be appointed for a one-year term.
28 Any vacancy on the board shall be filled for the unexpired term of the member
29 and in the manner as the first appointment. No member may serve consecutive
30 terms.

31 4. The members of the board may receive compensation, as determined
32 by the director for their services, if appropriate, and shall be reimbursed for actual
33 and necessary expenses incurred in performing their official duties on the board.

34 5. There is hereby created in the state treasury the "Board of Private
35 Investigator Examiners Fund", which shall consist of money collected under
36 sections 324.1100 to 324.1148. The state treasurer shall be custodian of the fund
37 and shall approve disbursements from the fund in accordance with the provisions
38 of sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund
39 shall be used solely for the administration of sections 324.1100 to 324.1148.
40 Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
41 moneys remaining in the fund at the end of the biennium shall not revert to the
42 credit of the general revenue fund. The state treasurer shall invest moneys in the
43 fund in the same manner as other funds are invested. Any interest and moneys
44 earned on such investments shall be credited to the fund.]
45

2 [324.1106. The following persons shall not be deemed to be engaging in
the private investigator business:

3 (1) A person employed exclusively and regularly by one employer in
4 connection only with the affairs of such employer and where there exists an
5 employer-employee relationship;

6 (2) Any officer or employee of the United States, or of this state or a
7 political subdivision thereof while engaged in the performance of the officer's or
8 employee's official duties;

9 (3) Any employee, agent, or independent contractor employed by any
10 government agency, division, or department of the state whose work relationship
11 is established by a written contract while working within the scope of
12 employment established under such contract;

13 (4) An attorney performing duties as an attorney, or an attorney's
14 paralegal or employee retained by such attorney assisting in the performance of
15 such duties or investigation on behalf of such attorney;

16 (5) A collection agency or an employee thereof while acting within the
17 scope of employment, while making an investigation incidental to the business
18 of the agency, including an investigation of the location of a debtor or a debtor's
19 property where the contract with an assignor creditor is for the collection of
20 claims owed or due, or asserted to be owed or due, or the equivalent thereof;

21 (6) Insurers and insurance producers licensed by the state, performing
22 duties in connection with insurance transacted by them;

23 (7) Any bank subject to the jurisdiction of the director of the division of
24 finance of the state of Missouri or the comptroller of currency of the United
25 States;

26 (8) An insurance adjuster. For the purposes of sections 324.1100 to
27 324.1148, an "insurance adjuster" means any person who receives any
28 consideration, either directly or indirectly, for adjusting in the disposal of any
29 claim under or in connection with a policy of insurance or engaging in soliciting
30 insurance adjustment business;

31 (9) Any private fire investigator whose primary purpose of employment
32 is the determination of the origin, nature, cause, or calculation of losses relevant
33 to a fire;

34 (10) Employees of a not-for-profit organization or its affiliate or
35 subsidiary who makes and processes requests on behalf of health care providers
36 and facilities for employee criminal and other background information under
37 section 660.317, RSMo;

38 (11) Any real estate broker, real estate salesperson, or real estate
39 appraiser acting within the scope of his or her license;

40 (12) Expert witnesses who have been certified or accredited by a national
41 or state association associated with the expert's scope of expertise;

42 (13) Any person who does not hold themselves out to the public as a
43 private investigator but is under contract with a state agency or political
44 subdivision; or

45 (14) Any person performing duties or conducting investigations relating
46 to serving legal process when such person's investigation is incidental to the
47 serving of legal process;

48 (15) A consumer reporting agency as defined in 15 U.S.C. Section
49 1681(a) and its contract and salaried employees.]

50

[324.1118. A private investigator agency shall not hire an individual,
2 who is not licensed as a private investigator, as an employee if the individual:

3 (1) Has committed any act which, if committed by a licensee, would be
4 grounds for the suspension or revocation of a license under the provisions of
5 sections 324.1100 to 324.1148;

6 (2) Within two years prior to the hiring date:

7 (a) Has been convicted of or entered a plea of guilty or nolo contendere
8 to a felony offense, including the receiving of a suspended imposition of sentence
9 following a plea or finding of guilty to a felony offense;

10 (b) Has been convicted of or entered a plea of guilty or nolo contendere
11 to a misdemeanor offense involving moral turpitude;

12 (c) Has falsified or willfully misrepresented information in an
13 employment application, records of evidence, or in testimony under oath;

14 (d) Has been dependent on or abused alcohol or drugs; or

15 (e) Has used, possessed, or trafficked in any illegal substance;

- 16 (3) Has been refused a license under the provisions of sections 324.1100
- 17 to 324.1148 or had a license revoked in this state or in any other state;
- 18 (4) While unlicensed, committed or aided and abetted the commission
- 19 of any act for which a license is required by sections 324.1100 to 324.1148 after
- 20 August 28, 2007; or
- 21 (5) Knowingly made any false statement in the application.]
- 22

2 [335.067. 1. The state board of nursing may establish an impaired nurse
3 program to promote the early identification, intervention, treatment, and
4 rehabilitation of nurses who may be impaired by reasons of illness, substance
5 abuse, or as a result of any mental condition. This program shall be available to
6 anyone holding a current license and may be entered voluntarily, as part of an
7 agreement with the board of nursing, or as a condition of a disciplinary order
8 entered by the board of nursing.

9 2. The board may enter into a contractual agreement with a nonprofit
10 corporation or a nursing association for the purpose of creating, supporting, and
11 maintaining a program to be designated as the impaired nurse program. The
12 board may promulgate administrative rules subject to the provisions of this
13 section and chapter 536, RSMo, to effectuate and implement any program formed
14 pursuant to this section.

15 3. The board may expend appropriated funds necessary to provide for
16 operational expenses of the program formed pursuant to this section.

17 4. Any member of the program, as well as any administrator, staff
18 member, consultant, agent, or employee of the program, acting within the scope
19 of his or her duties and without actual malice, and all other persons who furnish
20 information to the program in good faith and without actual malice, shall not be
21 liable for any claim of damages as a result of any statement, decision, opinion,
22 investigation, or action taken by the program, or by any individual member of the
23 program.

24 5. All information, interviews, reports, statements, memoranda, or other
25 documents furnished to or produced by the program, as well as communications
26 to or from the program, any findings, conclusions, interventions, treatment,
27 rehabilitation, or other proceedings of the program which in any way pertain to
28 a licensee who may be, or who actually is, impaired shall be privileged and
29 confidential.

30 6. All records and proceedings of the program which pertain or refer to
31 a licensee who may be, or who actually is, impaired shall be privileged and
32 confidential and shall be used by the program and its members only in the
33 exercise of the proper function of the program and shall not be considered public
34 records under chapter 610, RSMo, and shall not be subject to court subpoena or
35 subject to discovery or introduction as evidence in any civil, criminal, or
administrative proceedings except as provided in subsection 4 of this section.

36 7. The program may disclose information relative to an impaired licensee
37 only when:

38 (1) It is essential to disclose the information to further the intervention,
39 treatment, or rehabilitation needs of the impaired licensee and only to those
40 persons or organizations with a need to know;

41 (2) Its release is authorized in writing by the impaired licensee;

42 (3) A licensee has breached his or her contract with the program. In this
43 instance, the breach may be reported only to the board of nursing; or

44 (4) The information is subject to a court order.

45 8. When pursuing discipline against a licensed practical nurse, registered
46 nurse, or advanced practice registered nurse for violating one or more causes
47 stated in subsection 2 of section 335.066, the board may, if the violation is related
48 to chemical dependency or mental health, require that the licensed practical
49 nurse, registered nurse, or advanced practice registered nurse complete the
50 impaired nurse program under such terms and conditions as are agreed to by the
51 board and the licensee for a period not to exceed five years. If the licensee
52 violates a term or condition of an impaired nurse program agreement entered into
53 under this section, the board may elect to pursue discipline against the licensee
54 pursuant to chapter 621, RSMo, for the original conduct that resulted in the
55 impaired nurse program agreement, or for any subsequent violation of subsection
56 2 of section 335.066. While the licensee participates in the impaired nurse
57 program, the time limitations of section 620.154, RSMo, shall toll under
58 subsection 7 of section 620.154, RSMo. All records pertaining to the impaired
59 nurse program agreements are confidential and may only be released under
60 subdivision (7) of subsection 14 of section 620.010, RSMo.

61 9. The board may disclose information and records to the impaired nurse
62 program to assist the program in the identification, intervention, treatment, and
63 rehabilitation of licensed practical nurses, registered nurses, or advanced practice
64 registered nurses who may be impaired by reason of illness, substance abuse, or
65 as the result of any physical or mental condition. The program shall keep all
66 information and records provided by the board confidential to the extent the
67 board is required to treat the information and records closed to the public under
68 chapter 620, RSMo.]

69

2 [361.170. 1. The expense of every regular and every special
3 examination, together with the expense of administering the banking laws,
4 including salaries, travel expenses, supplies and equipment, and including the
5 direct and indirect expenses for rent and other supporting services furnished by
6 the state, shall be paid by the banks and trust companies of the state, and for this
7 purpose the director shall, prior to the beginning of each fiscal year, make an
8 estimate of the expenses to be incurred by the division during such fiscal year.
9 To this there shall be added an amount not to exceed fifteen percent of the
estimated expenses to pay the costs of rent and other supporting services such as

10 the costs related to the division's services from the state auditor and attorney
11 general and an amount sufficient to cover the cost of fringe benefits furnished by
12 the state. From this total amount the director shall deduct the estimated amount
13 of the anticipated annual income to the fund from all sources other than bank or
14 trust company assessments. The director shall allocate and assess the remainder
15 to the several banks and trust companies in the state on the basis of a weighted
16 formula to be established by the director, which will take into consideration their
17 total assets, as reflected in the last preceding report called for by the director
18 pursuant to the provisions of section 361.130 or from information obtained
19 pursuant to subsection 3 of section 361.130 and, for trust companies which do not
20 take deposits or make loans, the volume of their trust business, and the relative
21 cost, in salaries and expenses, of examining banks and trust companies of various
22 size and this calculation shall result in an assessment for each bank and trust
23 company which reasonably represents the costs of the division of finance incurred
24 with respect to such bank or trust company. A statement of such assessment shall
25 be sent by the director to each bank and trust company on or before July first.
26 One-half of the amount so assessed to each bank or trust company shall be paid
27 by it to the state director of the department of revenue on or before July fifteenth,
28 and the remainder shall be paid on or before January fifteenth of the next year.

29 2. Any expenses incurred or services performed on account of any bank,
30 trust company or other corporation subject to the provisions of this chapter,
31 outside of the normal expense of any annual or special examination, shall be
32 charged to and paid by the corporation for whom they were incurred or
33 performed. Fees and charges to other corporations subject to this chapter shall
34 be reviewed at least annually by the division of finance to determine whether
35 regulatory costs are offset by the fees and charges and the director of the division
36 of finance shall revise fees and charges to fully recover such costs to the extent
37 allowed by law or recommend to the general assembly necessary statutory
38 changes to fully recover such costs.

39 3. The director of the division of finance shall prepare and maintain an
40 equitable salary schedule for examiners, professional staff, and support personnel
41 that are employees of the division. Personnel employed by the division shall be
42 compensated according to the following schedule, provided that such expense of
43 administering the banking laws is assessed and paid in accordance with this
44 section. The positions and classification plan for such personnel attributed to the
45 examination of the state bank and trust companies shall allow for a comparison
46 of such positions with similar bank examiner positions at federal bank regulatory
47 agencies. State bank examiner positions shall not be compensated at more than
48 ninety percent of parity for corresponding federal positions for similar geographic
49 locations in the state as determined by the director of the division of finance.

50 4. The state treasurer shall credit such payments to a special fund to be
51 known as the "Division of Finance Fund", which is hereby created and which
52 shall be devoted solely to the payment of expenditures actually incurred by the

53 division and attributable to the regulation of banks, trust companies, and other
 54 corporations subject to the jurisdiction of the division. Any amount, other than
 55 the amount not to exceed fifteen percent for supporting services and the amount
 56 of fringe benefits described in subsection 1 of this section, remaining in such
 57 fund at the end of any fiscal year and any earnings attributed to such fund shall
 58 not be transferred and placed to the credit of the general revenue fund as provided
 59 in section 33.080, RSMo, but shall be applicable by appropriation of the general
 60 assembly to the payment of such expenditures of the division in the succeeding
 61 fiscal year and shall be applied by the division to the reduction of the amount to
 62 be assessed to banks and trust companies in such succeeding fiscal year; provided
 63 the amount not to exceed fifteen percent for supporting services and the amount
 64 of fringe benefits described in subsection 1 of this section shall be returned to
 65 general revenue to the extent supporting services are not directly allocated to the
 66 fund.]

67
 [370.107. 1. Every credit union organized pursuant to section 370.010
 2 and operating pursuant to the laws of this state shall pay to the department of
 3 revenue a fee determined by the director based on the total assets of the credit
 4 union as of December thirty-first of the preceding fiscal year. One-half of the fee
 5 shall be paid on or before July fifteenth, and the balance shall be paid on or
 6 before January fifteenth of the next succeeding year. The maximum fee shall be
 7 calculated according to the following table:

8	Total Assets	Fee
9	Under \$2,000,000	\$0.125 per \$1,000
10	of assets up to a	
11	maximum of \$250	
12	\$2,000,000 or more but less than \$5,000,000	\$250, plus \$1 per
13	\$1,000 of assets in	
14	excess of \$2,000,000	
15	\$5,000,000 or more	
16	but less than \$10,000,000	\$3,250, plus \$0.35 per
17	\$1,000 of assets in	
18	excess of \$5,000,000	
19	\$10,000,000 or more	
20	but less than \$25,000,000	\$5,000, plus \$0.20 per
21	\$1,000 of assets in	
22	excess of \$10,000,000	
23	\$25,000,000 or more	\$8,000, plus \$0.15 per
24	\$1,000 of assets in	
25	excess of \$25,000,000. The shares of one credit union which are owned	
26	by another credit union shall be excluded from the assets of the first credit union	
27	for the purpose of computing the supervisory fee levied pursuant to this section.	

28 All fees assessed shall be accounted for as prepaid expenses on the books of the
29 credit union.

30 2. The state treasurer shall credit such payments, including all fees and
31 charges made pursuant to this chapter to a special fund to be known as the
32 "Division of Credit Unions Fund", which is hereby created and which shall be
33 devoted solely and exclusively to the payment of expenditures actually incurred
34 by the division and attributable to the regulation of credit unions. Any amount
35 remaining in such fund at the end of any fiscal year and any earnings attributed
36 to such fund shall not be transferred and placed to the credit of the general
37 revenue fund as provided in section 33.080, RSMo, but shall be used, upon
38 appropriation by the general assembly, for the payment of such expenditures of
39 the division in the succeeding fiscal year and shall be applied by the division to
40 the reduction of the amount to be assessed to credit unions in such succeeding
41 fiscal year. In the event two or more credit unions are merged or consolidated,
42 such excess amounts shall be credited to the surviving or new credit union.

43 3. The expense of every regular and every special examination, together
44 with the expenses of administering the laws pertaining to credit unions, including
45 salaries, travel expenses, supplies and equipment, credit union commission
46 expenses of administrative and clerical assistance, legal costs and any other
47 reasonable expense in the performance of its duties, and an amount not to exceed
48 fifteen percent of the above-estimated expenses to pay the actual costs of rent,
49 utilities, other occupancy expenses and other supporting services furnished by
50 any department, division or executive office of this state and an amount sufficient
51 to cover the cost of fringe benefits shall be paid by the credit unions of this state
52 by the payment of fees yielded by this section.

53 4. The director of the division of credit unions shall prepare and maintain
54 an equitable salary schedule for examiners, professional staff, and support
55 personnel who are employees of the division. Personnel employed by the
56 division shall be compensated according to this schedule, provided that such
57 expense of administering the credit union laws is assessed and paid in accordance
58 with this section. The positions and classification plan for such personnel
59 attributed to the examination of the state credit unions shall allow for a
60 comparison of such positions with similar examiner positions at federal credit
61 union regulatory agencies. State credit union examiner positions shall not be
62 compensated more than ninety percent of parity for corresponding federal
63 positions for similar geographic locations in Missouri as determined by the
64 director of the division of credit unions. Personnel employed by the division
65 shall be compensated according to this schedule, provided that such expense of
66 administering the credit union laws is assessed and paid in accordance with this
67 section.]

68

[376.1500. As used sections 376.1500 to 376.1532, the following words
or phrases mean:

2

3 (1) "Director", the director of the department of insurance, financial
4 institutions and professional registration;

5 (2) "Discount card", a card or any other purchasing mechanism or device,
6 which is not insurance, that purports to offer discounts or access to discounts in
7 health-related purchases from health care providers;

8 (3) "Discount medical plan", a business arrangement or contract in which
9 a person, in exchange for fees, dues, charges, or other consideration, provides
10 access for plan members to providers of medical services and the right to receive
11 medical services from those providers at a discount. The term does not include
12 any product regulated as an insurance product, group health service product or
13 membership in a health maintenance organization in this state or discounts
14 provided by an insurer, group health service, or health maintenance organizations
15 where those discounts are provided at no cost to the insured or member and are
16 offered due to coverage with a licensed insurer, group health service, or health
17 maintenance organization. The term does not include an arrangement where the
18 discounts or prices are sold, rented, or otherwise provided to another licensed
19 carrier, self-insured or self-funded employer sponsored plan, Taft-Hartley trust,
20 or licensed third party administrator;

21 (4) "Discount medical plan organization", a person or an entity that
22 operates a discount medical plan;

23 (5) "Health care provider", any person or entity licensed by this state to
24 provide health care services including, but not limited to physicians, hospitals,
25 home health agencies, pharmacies, and dentists;

26 (6) "Health care provider network", an entity which directly contracts
27 with physicians and hospitals and has contractual rights to negotiate on behalf of
28 those health care providers with a discount medical plan organization to provide
29 medical services to members of the discount medical plan organization;

30 (7) "Marketer", a person or entity who markets, promotes, sells or
31 distributes a discount medical plan, including a private label entity that places its
32 name on and markets or distributes a discount medical plan but does not operate
33 a discount medical plan;

34 (8) "Medical services", any care, service or treatment of illness or
35 dysfunction of, or injury to, the human body including, but not limited to,
36 physician care, inpatient care, hospital surgical services, emergency services,
37 ambulance services, dental care services, vision care services, mental health
38 services, substance abuse services, chiropractic services, podiatric care services,
39 laboratory services, and medical equipment and supplies. The term does not
40 include pharmaceutical supplies or prescriptions;

41 (9) "Member", any person who pays fees, dues, charges, or other
42 consideration for the right to receive the purported benefits of a discount medical
43 plan; and

44 (10) "Person", an individual, corporation, business trust, estate, trust,
45 partnership, association, joint venture, limited liability company, or any other
46 government or commercial entity.]
47

2 [376.1516. 1. Each benefit under the discount medical plan shall be
3 included in the written membership materials between the discount medical plan
4 organization and the member. The written membership materials shall also
5 include a statement notifying the members of their right to cancel under section
6 376.1508, and such materials shall also list all of the disclosures required by
7 section 376.1512.

8 2. Upon request by the director, any forms used by a discount medical
9 plan organization, including written membership materials, shall be submitted to
10 the director.]

2 [393.906. A nonprofit water company shall have power:

3 (1) To sue and be sued, in its corporate name;

4 (2) To have succession by its corporate name for the period stated in its
5 articles of incorporation or, if no period is stated in its articles of incorporation,
6 to have such succession perpetually;

7 (3) To adopt a corporate seal and alter the same at pleasure;

8 (4) To provide water treatment services to its members, to governmental
9 agencies and political subdivisions;

10 (5) To make loans to persons to whom water treatment is or will be
11 supplied by the company for the purpose of, and otherwise to assist such persons
12 in, installing therein plumbing fixtures, appliances, apparatus and equipment of
13 any and all kinds and character, and in connection with such installation to
14 purchase, acquire, lease, sell, distribute, install and repair such plumbing fixtures,
15 appliances, apparatus and equipment, and to accept or otherwise acquire, and to
16 sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes,
17 bonds and other evidences of indebtedness and any and all types of security for
18 such indebtedness;

19 (6) To make loans to persons to whom water treatment is or will be
20 supplied by the company for the purpose of, and otherwise to assist such persons
21 in, constructing, maintaining and operating commercial or industrial plants or
22 facilities;

23 (7) To construct, purchase, take, receive, lease as lessee or otherwise
24 acquire, and to own, hold, use, equip, maintain and operate, and to sell, assign,
25 transfer, convey, exchange, lease as lessor, mortgage, pledge or otherwise dispose
26 of or encumber, water provision or collection or treatment systems, plants, lands,
27 buildings, structures, dams and equipment, and any and all kinds and classes of
28 real or personal property whatsoever, which shall be deemed necessary,
29 convenient or appropriate to accomplish the purpose for which the company is
organized;

30 (8) To purchase or otherwise acquire, and to own, hold, use and exercise
31 and to sell, assign, transfer, convey, mortgage, pledge, hypothecate or otherwise
32 dispose of or encumber, franchises, rights, privileges, licenses, rights-of-way and
33 easements;

34 (9) To borrow money and otherwise contract indebtedness, and to issue
35 notes, bonds and other evidences of indebtedness, and to secure the payment of
36 such indebtedness by mortgage, pledge, deed of trust, or any other encumbrance
37 upon any or all of its then-owned or after-acquired real or personal property,
38 assets, franchises, revenues or income;

39 (10) To construct, maintain and operate water distribution and collection
40 and treatment plants and lines along, upon, under and across all public
41 thoroughfares, including without limitation, all roads, highways, streets, alleys,
42 bridges and causeways, and upon, under and across all publicly owned lands;

43 (11) To exercise the power of eminent domain in the manner provided
44 by the laws of this state for the exercise of that power by corporations
45 constructing or operating electric transmission and distribution lines or systems;

46 (12) To conduct its business and exercise any or all of its powers within
47 or without this state;

48 (13) To adopt, amend and repeal bylaws; and

49 (14) To do and perform any and all other acts and things, and to have and
50 exercise any and all other powers which may be necessary, convenient or
51 appropriate to accomplish the purpose for which the company is organized.]

52

2 [393.921. 1. No person shall become a member of a nonprofit water
3 company unless such person shall agree to use services furnished by the company
4 when such shall be available through its facilities. The bylaws of a company may
5 provide that any person, including an incorporator, shall cease to be a member of
6 such company if such person shall fail or refuse to use services made available
7 by the company or if services shall not be made available to such person by the
8 company within a specified time after such person shall have become a member
9 of such company. Membership in the company shall not be transferable, except
10 as provided in the bylaws. The bylaws may prescribe additional qualifications
11 and limitations with respect to membership.

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

14 3. Special meetings of the members may be called by the board of
15 directors, by any three directors, by not less than ten percent of the members or
16 by the president.

17 4. Meetings of members shall be held at such place as may be provided
18 in the bylaws. In the absence of any such provisions, all meetings shall be held
19 in the city or town in which the principal office of the company is located.

20 5. Except as otherwise provided in sections 393.900 to 393.951, written
or printed notice stating the time and place of each meeting of members and, in

21 the case of a special meeting, the purpose or purposes for which the meeting is
22 called, shall be given to each member, either personally or by mail, not less than
23 ten nor more than twenty-five days before the date of the meeting.

24 6. Two percent of the members, present in person or by mail or proxy
25 shall constitute a quorum for the transaction of business at all meetings of the
26 members, unless the bylaws prescribe the presence of a greater percentage of the
27 members for a quorum. If less than a quorum is present at any meeting, a
28 majority of those present in person may adjourn the meeting from time to time
29 without further notice.

30 7. Each member shall be entitled to one vote on each matter submitted
31 to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide,
32 may also be by proxy or by mail, or both. If the bylaws provide for voting by
33 proxy or by mail, they shall also prescribe the conditions under which proxy or
34 mail voting shall be exercised.]
35

2 [441.236. 1. In the event that any premises to be leased by a landlord is
3 or was used as a site for methamphetamine production, the landlord shall disclose
4 in writing to the tenant the fact that methamphetamine was produced on the
5 premises, provided that the landlord had knowledge of such prior
6 methamphetamine production. The landlord shall disclose any prior knowledge
7 of methamphetamine production, regardless of whether the persons involved in
8 the production were convicted for such production.

9 2. A landlord shall disclose in writing the fact that any premises to be
10 leased by the landlord either was the place of residence of a person convicted of
11 any of the following crimes, or was the storage site or laboratory for any of the
12 substances for which a person was convicted of any of the following crimes,
13 provided that the landlord knew or should have known of such convictions:

14 (1) Creation of a controlled substance in violation of section 195.420,
15 RSMo;

16 (2) Possession of ephedrine with intent to manufacture methamphetamine
17 in violation of section 195.246, RSMo;

18 (3) Unlawful use of drug paraphernalia with the intent to manufacture
19 methamphetamine in violation of subsection 2 of section 195.233, RSMo;

20 (4) Endangering the welfare of a child by any of the means described in
21 subdivision (4) or (5) of subsection 1 of section 568.045, RSMo; or

22 (5) Any other crime related to methamphetamine, its salts, optical
23 isomers and salts of its optical isomers either in chapter 195, RSMo, or in any
24 other provision of law.]

2 [470.270. 1. Notwithstanding any other provision of this chapter, after
3 the owner, the owner's assignee, personal representative, grantee, heirs, devisees
4 or other successors, entitled to any moneys, refund of rates or premiums or effects
by reason of any litigation concerning rates, refunds, refund of premiums, fares

5 or charges collected by any person or corporation in the state of Missouri for any
6 service rendered or to be rendered in said state, or for any contract of insurance
7 on property in this state, or under any contract of insurance performed or to be
8 performed in said state, which moneys, refund of rates or premiums or effects
9 have been paid into or deposited in connection with any cause in any court of the
10 state of Missouri or in connection with any cause in any United States court, or
11 so paid into the custody of any depository, clerk, custodian, or other officer of
12 such court, whether the same be afterwards transferred and deposited in the
13 United States treasury or not, shall be and remain unknown, or the whereabouts
14 of such person or persons shall be and has been unknown, for the period
15 heretofore, or hereafter, of three successive years, or such moneys, refund of rates
16 or premiums or effects remain unclaimed for the period heretofore, or hereafter,
17 of three successive years, from the time such moneys or property are ordered
18 repaid or distributed by such courts, such moneys or property shall be deemed
19 abandoned and transferred to the state of Missouri, with all interest and earnings
20 actually accrued thereon to the date of transfer of the same. All moneys or
21 property transferring to the state pursuant to this section shall be deemed
22 unclaimed property under the uniform disposition of unclaimed property act as
23 set forth in chapter 447, RSMo, and shall be treated in the same manner as all
24 other unclaimed property under such act.

25 2. In fiscal year 2003, the commissioner of administration shall estimate
26 the amount of any additional state revenue received pursuant to subsection 3 of
27 section 470.020 and shall transfer an equivalent amount of general revenue to the
28 schools of the future fund created in section 163.005, RSMo.]
29

[565.082. 1. A person commits the crime of assault of a law enforcement
2 officer, corrections officer, emergency personnel, or probation and parole officer
3 in the second degree if such person:

4 (1) Knowingly causes or attempts to cause physical injury to a law
5 enforcement officer, corrections officer, emergency personnel, or probation and
6 parole officer by means of a deadly weapon or dangerous instrument;

7 (2) Knowingly causes or attempts to cause physical injury to a law
8 enforcement officer, corrections officer, emergency personnel, highway worker
9 in a construction zone or work zone, or probation and parole officer by means
10 other than a deadly weapon or dangerous instrument;

11 (3) Recklessly causes serious physical injury to a law enforcement
12 officer, corrections officer, emergency personnel, or probation and parole officer;
13 or

14 (4) While in an intoxicated condition or under the influence of controlled
15 substances or drugs, operates a motor vehicle or vessel in this state and when so
16 operating, acts with criminal negligence to cause physical injury to a law
17 enforcement officer, corrections officer, emergency personnel, or probation and
18 parole officer;

19 (5) Acts with criminal negligence to cause physical injury to a law
20 enforcement officer, corrections officer, emergency personnel, or probation and
21 parole officer by means of a deadly weapon or dangerous instrument;

22 (6) Purposely or recklessly places a law enforcement officer, corrections
23 officer, emergency personnel, or probation and parole officer in apprehension of
24 immediate serious physical injury; or

25 (7) Acts with criminal negligence to create a substantial risk of death or
26 serious physical injury to a law enforcement officer, corrections officer,
27 emergency personnel, or probation and parole officer.

28 2. As used in this section, "emergency personnel" means any paid or
29 volunteer firefighter, emergency room or trauma center personnel, or emergency
30 medical technician as defined in subdivisions (15), (16), (17), and (18) of section
31 190.100, RSMo.

32 3. As used in this section the term "corrections officer" includes any jailer
33 or corrections officer of the state or any political subdivision of the state.

34 4. Assault of a law enforcement officer, corrections officer, emergency
35 personnel, or probation and parole officer in the second degree is a class B felony
36 unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of
37 this section in which case it is a class C felony.]
38

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 [644.031. 1. The general assembly may appropriate funds to the clean
3 water commission of the department of natural resources for the control of storm
4 water in any county of the first classification or in any city with a population
5 between three hundred fifty thousand and five hundred thousand, or any city not
6 within a county. The commission shall administer and expend such funds in
7 accordance with the terms of the appropriation.

8 2. The commission shall administer and expend such funds in the
following manner:

9 (1) The funds shall be distributed based on the percentage of the
 10 population of a county or city that is eligible pursuant to this section in relation
 11 to the combined population of all counties and cities that are eligible for such
 12 funds pursuant to this section, according to the most recent federal decennial
 13 census. Participating counties or cities must have a comprehensive storm water
 14 control plan or study approved by the Missouri clean water commission, or a
 15 comparable study acceptable to the U.S. Army Corps of Engineers and approved
 16 by the commission, prior to being eligible, however, a comprehensive storm
 17 water control plan or study prepared by any city or other political subdivision
 18 within a participating county may be accepted by the clean water commission in
 19 lieu of a county plan or study;

20 (2) The commission shall obligate all funds appropriated under this
 21 section to qualifying political subdivisions for storm water projects or for a
 22 comprehensive storm water control plan or study approved by the Missouri clean
 23 water commission prior to the end of the fiscal year of the appropriation or
 24 reappropriation. The political subdivisions receiving assistance under this section
 25 shall award all significant construction contracts for their projects within eighteen
 26 months of the appropriation or reappropriation;

27 (3) Any funds remaining unobligated at the end of the fiscal year together
 28 with any funds obligated for construction contracts which were not awarded
 29 within eighteen months of the appropriation or reappropriation shall be returned
 30 to the commission and redistributed in accordance with this section.

31 3. Funds authorized by the general assembly for storm water control to
 32 an eligible county or city may be expended for no more than one-third of the
 33 costs of any one storm water project.

34 4. Other provisions of this section notwithstanding, in those cities or
 35 counties served by a sewer district established pursuant to article VI, section
 36 30(a) of the Constitution of the state of Missouri, any grants or loans awarded
 37 shall be disbursed directly to such district.]

38
 2 [644.568. In addition to those sums authorized prior to August 28, 1999,
 3 the board of fund commissioners of the state of Missouri, as authorized by
 4 section 37(g) of article III of the Constitution of the state of Missouri, may
 5 borrow on the credit of this state the sum of ten million dollars for the purposes
 6 of financing and constructing improvements as set out in this chapter. The
 7 department shall allocate these funds to counties, municipalities, sewer districts,
 8 water districts, or any combination of the same to provide grants and loans for
 rural water and sewer projects.]

