SECOND REGULAR SESSION

HOUSE BILL NO. 1965

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES McNARY (Sponsor), SMITH (14), FLANIGAN, TRACY, RIDDLE, ALLEN, DEEKEN, NANCE, LEARA, GUEST, DIECKHAUS, SUTHERLAND, WRIGHT, LAIR, SCHOELLER FISHER (125), ZERR, WETER, RUZICKA, MOLENDORP, POLLOCK, STEVENSON, SILVEY, NIEVES, DUSENBERG, JONES (89), HOBBS, FUNDERBURK, PARSON, BIVINS, TILLEY, ATKINS, WELLS, KOENIG, PRATT, BRUNS, LOEHNER, SCHARNHORST, SCHAAF, KOMO, KELLY, DAY, COX AND WALLACE (Co-sponsors).

4654L.01I D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 8.190, 21.811, 21.840, 28.085, 30.220, 31.010, 33.065, 33.285, 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130, 60.461, 67.2677, 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300, 96.310, 96.320, 96.330, 96.340, 96.350, 96.360, 96.370, 96.380, 99.799, 99.918, 99.1082, 105.140, 105.983, 115.177, 135.205, 135.207, 135.230, 135.431, 135.433, 135.530, 135.903, 135.953, 137.118, 137.286, 142.800, 142.815, 142.821, 143.171, 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710, 173.715, 173.718, 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120, 192.255, 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725, 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785, 196.790, 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318, 197.366, 198.058, 198.087, 198.600, 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, 201.090, 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.176, 307.367, 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020, 454.030, 454.040, 454.050, 454.060, 454.070,

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.

454.080, 454.090, 454.100, 454.105, 454.110, 454.120, 454.130, 454.140, 454.150, 454.160, 454.170, 454.180, 454.190, 454.200, 454.210, 454.220, 454.230, 454.240, 454.250, 454.260, 454.270, 454.275, 454.280, 454.290, 454.300, 454.310, 454.320, 454.330, 454.340, 454.350, 454.355, 454.360, 454.800, 454.802, 454.804, 454.806, 460.100, 460.250, 488.5345, 490.610, 537.675, 537.684, 620.010, 620.155, 620.156, 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.170, 620.173, 620.174, 620.176, 620.515, 620.1023, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 644.054, 644.550, 644.551, and 660.018, RSMo, and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof fifty-five new sections for the sole purposes of repealing expired, sunset, terminated, ineffective, or obsolete statutes, with penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 8.190, 21.811, 21.840, 28.085, 30.220, 31.010, 33.065, 33.285, 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130, 60.461, 67.2677, 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300, 96.310, 96.320, 96.330, 96.340, 96.350, 96.360, 96.370, 96.380, 99.799, 99.918, 99.1082, 105.140, 105.983, 115.177, 135.205, 135.207, 135.230, 135.431, 135.433, 135.530, 135.903, 135.953, 137.118, 137.286, 142.800, 142.815, 142.821, 143.171, 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710, 173.715, 173.718, 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120, 192.255, 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725, 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785, 196.790, 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318, 197.366, 198.058, 198.087, 198.600, 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, 201.090, 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.176, 307.367, 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020, 454.030, 454.040, 454.050, 454.060,

454.070, 454.080, 454.090, 454.100, 454.105, 454.110, 454.120, 454.130, 454.140, 454.150, 454.160, 454.170, 454.180, 454.190, 454.200, 454.210, 454.220, 454.230, 454.240, 454.250, 454.260, 454.270, 454.275, 454.280, 454.290, 454.300, 454.310, 454.320, 454.330, 454.340, 454.350, 454.355, 454.360, 454.800, 454.802, 454.804, 454.806, 460.100, 460.250, 488.5345, 490.610, 537.675, 537.684, 620.010, 620.155, 620.156, 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.170, 620.173, 620.174, 620.176, 620.515, 620.1023, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 644.054, 644.550, 644.551, and 660.018, RSMo, and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, RSMo, are repealed and fifty-five new sections enacted in lieu thereof, to be known as sections 33.065, 34.110, 37.005, 42.121, 57.080, 67.2677, 99.918, 99.1082, 115.177, 135.205, 135.207, 135.230, 135.530, 135.903, 135.953, 142.800, 142.815, 143.171, 173.005, 174.020, 178.637, 178.930, 191.362, 195.060, 195.400, 197.305, 197.318, 197.366, 198.058, 198.087, 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, 201.090, 215.263, 253.022, 260.370, 288.090, 303.026, 313.008, 313.835, 329.028, 376.671, 488.5345, 537.675, 537.684, 620.010, 620.515, 620.1023, 644.054, and 644.551, to read as follows:

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

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

(1) The posting of notices or public advertising for bids or of expenditures;

(2) The inviting or receiving of competitive bids;

(3) The delivery of purchases before payment.

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

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

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

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

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

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

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

7. The commissioner of administration shall from time to time examine the space needs of the agencies of state government and space available and shall, with the approval of the board of public buildings, assign and reassign space in property owned, leased or otherwise controlled by the state. Any other law to the contrary notwithstanding, upon a determination by the commissioner that all or part of any property is in excess of the needs of any state agency, the commissioner may lease such property to a private or government entity. Any revenue received

from the lease of such property shall be deposited into the fund or funds from which moneys for rent, operations or purchase have been appropriated. The commissioner shall establish by rule the procedures for leasing excess property.

8. **[**The commissioner of administration shall make the selection of a personnel director from the names of the three highest ranking available eligibles as provided in section 36.080, RSMo. The personnel advisory board, the personnel division and the personnel director in the office of administration shall retain the functions, duties and powers prescribed in chapter 36, RSMo. Members of the personnel advisory board shall be nominated by the commissioner of administration and appointed by the governor with the advice and consent of the senate.

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

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

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

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

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

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

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

(7) Establish procedures for the receipt of service center charges and payments for operation of the service centers. The commissioner shall maintain a complete inventory of all state-owned or -leased EDP and ADP equipment, and annually submit a report to the general assembly which shall include starting and ending EDP and ADP costs for the fiscal year previously ended, and the reasons for major increases or variances between starting and ending

costs. The commissioner shall also adopt, after public hearing, rules and regulations designed to protect the rights of privacy of the citizens of this state and the confidentiality of information contained in computer tapes or other storage devices to the maximum extent possible consistent with the efficient operation of the office of administration and contracting state agencies.

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

[11.**] 10.** The commissioner of administration shall administer a revolving "Administrative Trust Fund" which shall be established by the state treasurer which shall be funded annually by appropriation and which shall contain moneys transferred or paid to the

office of administration in return for goods and services provided by the office of administration to any governmental entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve disbursements from the fund for the purchase of goods or services at the request of the commissioner of administration or the commissioner's designee. The provisions of section 33.080, RSMo, notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval of the oversight division of the joint committee on legislative research. The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

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

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

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

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

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

42.121. 1. **There is hereby established in the state treasury the "Missouri Veterans' Homes Fund".** All moneys received by the Missouri veterans' homes or any officer thereof from any source whatsoever shall be transmitted promptly to the state treasurer by the commission for deposit in the state treasury to the credit of the Missouri veterans' homes fund, which fund and all interest earned shall be maintained solely for the use of the Missouri veterans' homes. All interest earned from deposit of money in the Missouri veterans' homes fund shall be deposited to the credit of the Missouri veterans' homes fund and shall not be credited to general revenue.

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

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

[2. Notwithstanding the provisions of this section to the contrary, if a vacancy occurs in the office of the sheriff in any county of the first classification with more than seventy-one thousand three hundred but fewer than seventy-one thousand four hundred inhabitants, the

election to fill such vacancy shall be held on the general municipal election day as provided for in section 115.121, RSMo. The provisions of this subsection shall expire on June 1, 2005.**]**

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

(1) "Cable operator", as defined in 47 U.S.C. Section 522(5);

(2) "Cable system", as defined in 47 U.S.C. Section 522(7);

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

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

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

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

a. Recurring charges for video service;

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

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

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

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

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

(b) "Gross revenues" do not include:

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

b. Uncollectibles;

c. Late payment fees;

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

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

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

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

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

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

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

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

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

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

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

(14) "Video service", the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and

via a service that enables users to access content, information, electronic mail, or other services offered over the public Internet;

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

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

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

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

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

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

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

(3) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,

improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) "Development project costs" include such costs to the development plan or a development project, as applicable, which are expended on public property, buildings, or

rights-of-ways for public purposes to provide infrastructure to support **[**for**]** a development project. Such costs shall only be allowed as an initial expense which, to be recoverable, must be included in the costs of a development plan or development project, except in circumstances of plan amendments approved by the Missouri development finance board and the department of economic development. Such infrastructure costs include, but are not limited to, the following:

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

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

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

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

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

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

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

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

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

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

(12) "Economic activity taxes", the total additional revenue from taxes which are imposed by the municipality and other taxing districts, and which are generated by economic

activities within each development project area, which are not related to the relocation of any out-of-state business into the development project area, which exceed the amount of such taxes generated by economic activities within such development project area in the baseline year plus, in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of this section, the total revenue from taxes which are imposed by the municipality and other taxing districts which is generated by economic activities within the development project area resulting from the relocation of an out-of-state business or out-of-state businesses to the development project area pursuant to section 99.919; but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments. If a retail establishment relocates within one year from one facility to another facility within the same county and the municipality or authority finds that the retail establishment is a direct beneficiary of development financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from taxes which are imposed by the municipality and other taxing districts which are generated by the economic activities within the development project area which exceed the amount of taxes which are imposed by the municipality and other taxing districts which are generated by economic activities within the development project area generated by the retail establishment in the baseline year;

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

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

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

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

Population of Municipality	Estimated Project Cost	New Jobs Created
300,000 or more	$10,000,000	at least 100
100,000 to 299,999	$5,000,000	at least 50

50,001 to 99,999	$1,000,000	at least 10
50,000 or less	$500,000	at least 5;

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

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

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

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

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

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

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

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

(23) "State income tax increment", up to fifty percent of the estimate of the income tax due the state for salaries or wages paid to new employees in new jobs at a business located in the

development project area and created by the development project. The estimate shall be a percentage of the gross payroll which percentage shall be based upon an analysis by the department of revenue of the practical tax rate on gross payroll as a factor in overall taxable income;

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

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

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

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

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

(1) "Baseline year", the calendar year prior to the adoption of an ordinance by the municipality approving a redevelopment project; provided, however, if local sales tax revenues or state sales tax revenues, from businesses other than any out-of-state business or businesses locating in the redevelopment project area, decrease in the redevelopment project area in the year

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

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

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

(4) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more, and such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code

standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) "Redevelopment project costs" include such costs to the redevelopment plan or a redevelopment project, as applicable, which are expended on public property, buildings, or

rights-of-way for public purposes to provide infrastructure to support a redevelopment project, including facades. Such costs shall only be allowed as an initial expense which, to be recoverable, must be included in the costs of a redevelopment plan or redevelopment project, except in circumstances of plan amendments approved by the department of economic development. Such infrastructure costs include, but are not limited to, the following:

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

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

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

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

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

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

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

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

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

(17) "State sales tax increment", up to one-half of the incremental increase in the state sales tax revenue in the redevelopment project area provided the local taxing jurisdictions commit one-half of their local sales tax to paying for redevelopment project costs. The incremental increase shall be the amount by which the state sales tax revenue generated at the facility or within the redevelopment project area exceeds the state sales tax revenue generated at the facility or within the redevelopment project area in the baseline year. For redevelopment projects or redevelopment plans approved after August 28, 2005, if a retail establishment relocates within one year from one facility to another facility within the same county and the

governing body of the municipality finds that the retail establishment is a direct beneficiary of tax increment financing, then for the purposes of this subdivision, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes that are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to the relocation to the redevelopment area;

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

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

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

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

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

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

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

(3) The resident population of the area must be at least four thousand but not more than seventy-two thousand at the time of designation as an enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau; or, if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation must be at least one thousand but not more than twenty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least

fifty percent of the population of the jurisdiction; provided, however, no enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

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

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

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

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

(4) In addition to all other satellite zones authorized in this section, any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants, which

includes an existing state-designated enterprise zone within the corporate limits of the city, may, upon approval of the local governing authority of the city and director of the department of economic development, designate a satellite zone within its corporate limits. A prerequisite for the designation of a satellite zone pursuant to this subdivision shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of such city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

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

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

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

within the satellite enterprise zone shall be eligible for all benefits provided under the provisions of sections 135.200 to 135.258.

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

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

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

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

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

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

135.230. 1. The exemption or credit established and allowed by section 135.220 and the credits allowed and established by subdivisions (1), (2), (3) and (4) of subsection 1 of section 135.225 shall be granted with respect to any new business facility located within an enterprise zone for a vested period not to exceed ten years following the date upon which the new business facility commences operation within the enterprise zone and such exemption shall be calculated, for each succeeding year of eligibility, in accordance with the formulas applied in the initial year in which the new business facility is certified as such, subject, however, to the limitation that all such credits allowed in sections 135.225 and 135.235 and the exemption allowed in section 135.220 shall be removed not later than fifteen years after the enterprise zone is designated as

such. No credits shall be allowed pursuant to subdivision (1), (2), (3) or (4) of subsection 1 of section 135.225 or section 135.235 and no exemption shall be allowed pursuant to section 135.220 unless the number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds two or the new business facility is a revenue-producing enterprise as defined in paragraph (d) of subdivision (6) of section 135.200. In order to qualify for either the exemption pursuant to section 135.220 or the credit pursuant to subdivision (4) of subsection 1 of section 135.225, or both, it shall be required that at least thirty percent of new business facility employees, as determined by subsection 4 of section 135.110, meet the criteria established in section 135.240 or are residents of an enterprise zone or some combination thereof, except taxpayers who establish a new business facility by operating a revenue-producing enterprise as defined in paragraph (d) of subdivision (6) of section 135.200 or any taxpayer that is an insurance company that established a new business facility satisfying the requirements of subdivision (8) of section 135.100 located within an enterprise zone after June 30, 1993, and before December 31, 1994, and that employs in excess of three hundred fifty new business facility employees at such facility each tax period for which the credits allowable pursuant to subdivisions (1) to (4) of subsection 1 of section 135.225 are claimed shall not be required to meet such requirement. A new business facility described as SIC 3751 shall be required to employ fifteen percent of such employees instead of the required thirty percent. For the purpose of satisfying the thirty-percent requirement, residents must have lived in the enterprise zone for a period of at least one full calendar month and must have been employed at the new business facility for at least one full calendar month, and persons qualifying because they meet the requirements of section 135.240 must have satisfied such requirement at the time they were employed by the new business facility and must have been employed at the new business facility for at least one full calendar month. The director may temporarily reduce or waive this requirement for any business in an enterprise zone with ten or less full-time employees, and for businesses with eleven to twenty full-time employees this requirement may be temporarily reduced. No reduction or waiver may be granted for more than one tax period and shall not be renewable. The exemptions allowed in sections 135.215 and 135.220 and the credits allowed in sections 135.225 and 135.235 and the refund established and authorized in section 135.245 shall not be allowed to any "public utility", as such term is defined in section 386.020, RSMo. For the purposes of achieving the fifteen-percent employment requirement set forth in this subsection, a new business facility described as NAICS 336991 may count employees who were residents of the enterprise zone at the time they were employed by the new business facility and for at least ninety days thereafter, regardless of whether such employees continue to reside in the

enterprise zone, so long as the employees remain employed by the new business facility and residents of the state of Missouri.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

135.530. For the purposes of sections 100.010, 100.710 and 100.850, RSMo, sections 135.110, 135.200, 135.258, 135.313, 135.403, 135.405, 135.503, 135.530 and 135.545, section 215.030, RSMo, sections 348.300 and 348.302, RSMo, and sections 620.1400 to 620.1460, RSMo, "distressed community" means either a Missouri municipality within a metropolitan statistical area which has a median household income of under seventy percent of the median

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

135.903. 1. To qualify as a rural empowerment zone, an area shall meet all the following criteria:

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

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

(3) The population of the area is at least four hundred but not more than three thousand five hundred at the time of designation as a rural empowerment zone;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and

approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis;

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

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

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

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

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

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

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

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

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

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

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at

the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

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

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

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

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

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

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

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

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

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

(1) "Agricultural purposes", clearing, terracing or otherwise preparing the ground on a farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising

and feeding livestock and poultry; building fences; pumping water for any and all uses on the farm, including irrigation; building roads upon any farm by the owner or person farming the same; operating milking machines; sawing wood for use on a farm; producing electricity for use on a farm; movement of tractors, farm implements and nonlicensed equipment from one field to another;

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

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

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

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

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

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

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

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

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

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

(10) "Bulk transfer/terminal system", the motor fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or terminal is in the bulk transfer/terminal system. Motor fuel in the fuel supply tank of any engine, or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer/terminal system;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(32) **[**"Indian country":

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A vehicle solely operated on rails;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) One or more of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXPLANATION: Subsection 1 of this section applies only to tax years prior to 1994.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. After the conditions of this section and section 178.631 are satisfied,**]** Linn State Technical College shall be deemed to be a qualified college, university, or educational institution for the purposes of any higher education student loan, grant, or scholarship program established pursuant to state law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Anthranilic acid, its esters and its salts;

(2) Benzyl cyanide;

(3) Ergotamine and its salts;

(4) Ergonovine and its salts;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) "Expenditure minimum" shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[8.**] 7.** Notwithstanding any other provision of this chapter to the contrary:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Facilities licensed under chapter 198, RSMo;

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

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

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

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

198.087. To ensure uniformity of application of regulation standards in long-term care facilities throughout the state, the department of social services shall:

(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training and testing requirements for the position. Based on the evaluation, the department shall develop and implement additional training and knowledge standards for inspectors and surveyors;

(2) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide to identify any deviations or inconsistencies in regulation application. At a minimum, the Missouri on-site surveyor evaluation process, and the number and type of actions overturned by the informal dispute resolution process and formal appeal shall be used in the evaluation. Based on such evaluation, the department shall develop standards and a retraining process for the region, state, or individual inspector or surveyor, as needed;

(3) In addition to the provisions of subdivisions (1) and (2) of this section, the department shall develop a single uniform comprehensive and mandatory course of instruction

for inspectors/surveyors on the practical application of enforcement of statutes, rules and regulations. Such course shall also be open to attendance by administrators and staff of facilities licensed pursuant to this chapter; **and**

(4) **[**With the full cooperation of and in conjunction with the department of health and senior services, evaluate the implementation and compliance of the provisions of subdivision (3) of subsection 1 of section 198.012 in which rules, requirements, regulations and standards pursuant to section 197.080, RSMo, for assisted living facilities, intermediate care facilities and skilled nursing facilities attached to an acute care hospital are consistent with the intent of this chapter. A report of the differences found in the evaluation conducted pursuant to this subdivision shall be made jointly by the departments of social services and health and senior services to the governor and members of the general assembly by January 1, 2008; and

(5)**]** With the full cooperation and in conjunction with the department of health and senior services, develop rules and regulations requiring the exchange of information, including regulatory violations, between the departments to ensure the protection of individuals who are served by health care providers regulated by either the department of health and senior services or the department of social services.

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

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

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

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

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

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

201.030. The **[**crippled**]** children's **special health care needs** service is designated as the agency of this state to administer a program of service to children who are **[**crippled or who are suffering from conditions that lead to crippling**] have a physical disability or special health care need** and to supervise the administration of the services that are included in this program. The purpose of this service is to develop, extend, and improve services for locating such children, especially in rural areas, and for providing medical, surgical, corrective and other services and care and facilities for diagnosis, hospitalization, and aftercare.

201.040. Any child residing in the state of Missouri who is **[**crippled or is suffering from conditions which lead to crippling**] has a physical disability or special health care need**, who is in need of services because of his **or her** condition, who has been certified by a physician of his **or her** choice as a person who can probably benefit from such services, who is financially

unable to pay for such services and whose parents, guardian, or person legally chargeable with his **or her** support is unable to pay therefor, shall be entitled to such services without charge, but if any person, firm, corporation, or public or private agency is liable, either pursuant to contract or otherwise, to the parents or a recipient of services on account of personal injury to or disability or disease of the recipient of services, the service is subrogated to the right of the parent or recipient to recover from that part of the award or settlement an amount equal to the amount expended by the service for services which are not otherwise recoverable from the parent or recipient. The acceptance of services from the service constitutes acknowledgment of subrogation rights by the service, and the service may take any and all action necessary to enforce the subrogation rights. Any such child who, or whose parents, guardian, or other person legally chargeable with the support of the child, is able to pay a portion but not all of the expenses for the required services for the child, shall be entitled to the services if the child, parents, guardian or other person legally charged with the support of the child shall pay such amounts thereof to the hospital and physician as the child, parents, guardian, or other persons legally charged with the support of the child are reasonably able to pay.

201.050. 1. The department of health and senior services is designated as the administrator of the crippled children's service.

2. The administrator:

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

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

(3) Shall cooperate with other state departments and agencies of this state and with medical, health, nursing, and welfare groups and organizations, private or public, and endeavor to coordinate the efforts of all persons and agencies interested in the discovery, care, and rehabilitation of **[**crippled**]** children **with special health care needs**, and it is entitled to receive aid and assistance from other departments and agencies of this state in carrying out the plans adopted by the administrator;

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

201.070. Any plan, rule, or regulation adopted by the administrator shall conform with regulations of the federal government to the extent necessary to qualify for the receipt of federal

funds that may become available to the state for the treatment and care of **[**crippled**]** children **with special health care needs**.

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

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

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

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

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

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

3. Moneys deposited in the fund shall, upon appropriation by the general assembly to the department of natural resources, be received and expended by the department of natural resources for the purpose of assuring preservation and protection of sites listed on the National

Register of Historic Places, with private citizens, societies, associations, corporations, municipalities and state and federal agencies.

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

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

2. The hazardous waste management commission shall, by rules and regulations, categorize hazardous waste by taking into account toxicity, persistence and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness and other hazardous characteristics. The commission shall by rules and regulations further establish within each category the wastes which may or may not be disposed of through alternative hazardous waste management technologies including, but not limited to, treatment facilities, incinerators, landfills, landfarms, storage facilities, surface impoundments, recycling, reuse and reduction. The commission shall specify, by rule and regulation, the frequency of inspection for each method of hazardous waste management and for the different waste categories at hazardous waste management sites. The inspection may be daily when the hazardous waste management commission deems it necessary. The hazardous waste management commission shall specify, by rule, fees to be paid to the department by owners or operators of hazardous waste facilities who have obtained, or are required to obtain, a hazardous waste facility permit and who accept, on a commercial basis for remuneration, hazardous waste from off-site sources, but not including wastes generated by the same person at other sites located in Missouri or within a metropolitan statistical area located partially in Missouri and owned or operated by the same person and transferred to the hazardous waste facility, for treatment, storage or disposal, for inspections conducted by the department to determine compliance with sections 260.350 to 260.430 and the regulations promulgated thereunder. Funds derived from these inspection fees shall be used for the purpose of funding the inspection of

hazardous waste facilities, as specified in subsection 3 of section 260.391. Such fees shall not exceed twelve thousand dollars per year per facility and the commission shall establish a graduated fee scale based on the volume of hazardous waste accepted with reduced fees for facilities accepting smaller volumes of hazardous waste. The department shall furnish, upon request, to the person, firm or corporation operating the hazardous waste facility a complete, full and detailed accounting of the cost of the department's inspections of the facility for the twelve-month period immediately preceding the request within forty-five days after receipt of the request. Failure to provide the accounting within forty-five days shall require the department to refund the inspection fee paid during the twelve-month-time period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

288.090. 1. Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this law. Such contributions shall become due and be paid by each employer to the division for the fund on or before the last day of the month following

each calendar quarterly period of three months except when regulation requires monthly payment. Any employer upon application, or pursuant to a general or special regulation, may be granted an extension of time, not exceeding three months, for the making of his or her quarterly contribution and wage reports or for the payment of such contributions. Payment of contributions due shall be made to the treasurer designated pursuant to section 288.290.

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

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

2. As of June thirtieth of each year, the division shall establish an average industry contribution rate for the next succeeding calendar year for each of the industrial classification divisions listed in the industrial classification system established by the federal government. The average industry contribution rate for each standard industrial classification division shall be computed by multiplying total taxable wages paid by each employer in the industrial classification division during the twelve consecutive months ending on June thirtieth by the employer's contribution rate established for the next calendar year and dividing the aggregate product for all employers in the industrial classification division by the total of taxable wages paid by all employers in the industrial classification division during the twelve consecutive months ending on June thirtieth. Each employer will be assigned to an industrial classification code division as determined by the division in accordance with the definitions contained in the industrial classification system established by the federal government, and shall pay contributions at the average industry rate established for the preceding calendar year for the industrial classification division to which it is assigned or two and seven-tenths percent of taxable wages paid by it, whichever is the greater, unless there have been at least twelve consecutive calendar months immediately preceding the calculation date throughout which its account could have been charged with benefits. The division shall classify all employers meeting this chargeability requirement for each calendar year in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts, with a view to fixing such contribution rates as will reflect such experience. The division shall determine the contribution rate of each such employer in accordance with sections 288.113 to 288.126. Notwithstanding the provisions of this subsection, any employing unit which becomes an employer pursuant to the provisions of subsection 7 or 8 of section 288.034 shall pay contributions equal to one percent of wages paid by it until its account has been chargeable with benefits for the period of time sufficient to enable it to qualify for a computed rate on the same basis as other employers.

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

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

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

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

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

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

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

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

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

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

(d) Past due payments of amounts in lieu of contributions shall be subject to the same interest and penalties that apply to past due contributions. Also, unpaid amounts in lieu of contributions, interest, penalties and surcharges are subject to the same assessment, civil action and compromise provisions of this law as apply to unpaid contributions. Further, the provisions of this law which provide for the adjustment or refund of contributions shall apply to the adjustment or refund of payments in lieu of contributions.

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

(4) Except as provided in subsection 4 of this section, each employer that is liable for payments in lieu of contributions shall pay to the division for the fund the amount of regular benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer; except that, with respect to benefits paid for weeks of unemployment beginning on or after January 1, 1979, a governmental entity that is liable for

payments in lieu of contributions shall pay to the division for the fund the amount of all regular benefits and all extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer in the base period of the claim, the amount chargeable to each employer shall be obtained by multiplying the benefits paid by a ratio obtained by dividing the base period wages from such employer by the total wages appearing in the base period.

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

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

5. **[**Any employer which elects to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable for an additional surcharge to the division for the unemployment compensation trust fund in an amount equal to the interest rate on United States

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

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

7. Beginning January 1, 1994, through December 31, 1995, any employer which elects to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable for an additional surcharge to the division for the unemployment compensation trust fund. The calendar year surcharge rate will be the base prime rate on corporate loans posted by at least seventy-five percent of the nation's thirty largest banks as of November thirtieth of the preceding year. The additional surcharge will be the surcharge rate multiplied by the total benefit payments charged to the employer's account. The cumulative benefits charged plus the cumulative surcharges pursuant to this subsection for all employers electing to make payments in lieu of contributions shall not exceed the summation of total benefit payments chargeable and not chargeable for the calendar quarter.

8. Beginning January 1, 1996, through December 31, 1996, any employer which elects to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable for the total benefit payments chargeable to its account pursuant to the provisions of section 288.100 plus one-third of the total benefit payments not charged to its account pursuant to paragraphs (a) through (e) of subdivision (4) of subsection 1 of section 288.100. The remaining two-thirds of the benefit payments not charged to its account pursuant to paragraphs (a) through

(e) of subdivision (4) of subsection 1 of section 288.100 shall be paid by the unemployment compensation trust fund.

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

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

[11.**] 6.** (1) For the purposes of this chapter, a common paymaster arrangement will not exist unless approval has been obtained from the division. To receive a division-approved common paymaster arrangement, the related corporation designated to be the common paymaster for the related corporations must notify the division in writing at least thirty days prior to the beginning of the quarter in which the common paymaster reporting is to be effective. The common paymaster shall furnish the name and account number of each corporation in the related group that will be utilizing the one corporation as the common paymaster. The common paymaster shall also notify the division at least thirty days prior to any change in the related group of corporations or termination of the common paymaster arrangement. The common paymaster shall be responsible for keeping books and records for the payroll with respect to its own employees and the concurrently employed individuals of the related corporations. In order for remuneration to be eligible for the provisions applicable to a common paymaster, the individuals must be concurrently employed and the remuneration must be disbursed through the common paymaster. The common paymaster shall have the primary responsibility for remitting all required quarterly contribution and wage reports, contributions due with respect to the remuneration it disburses as the common paymaster and/or payments in lieu of contributions. The common paymaster shall compute the contributions due as though it were the sole employer of the concurrently employed individuals. If the common paymaster fails to remit the quarterly contribution and wage reports, contributions due and/or payments in lieu of contributions, in whole or in part, it shall remain liable for submitting the quarterly contribution and wage reports and the full amount of the unpaid portion of the contributions due and/or payments in lieu of contributions. In addition, each of the related corporations using the common paymaster shall

be jointly and severally liable for submitting quarterly contribution and wage reports, its share of the contributions due and/or payments in lieu of contributions, penalties, interest and surcharges which are not submitted and/or paid by the common paymaster. All contributions due, payments in lieu of contributions, penalties, interest and surcharges which are not timely paid to the division under a common paymaster arrangement shall be subject to the collection provisions of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Beginning January 1, 2001, the director may require such information, as in his or her discretion is necessary to enforce the requirements of subdivision (1) of subsection 1 of this section, to be submitted from the person's insurer or insurance company. When requested by the director of revenue, all licensed insurance companies in this state which sell private passenger (noncommercial) motor vehicle insurance policies shall report information regarding the issuance, nonrenewal and cancellation of such policies to the director, excluding policies issued

to owners of fleet or rental vehicles or issued on vehicles that are insured pursuant to a commercial line policy. Such information shall be reported electronically in a format as prescribed by the director of the department of revenue by rule except that such rule shall provide for an exemption from electronic reporting for insurers with a statistically insignificant number of policies in force.

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

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

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

(1) The individual;

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

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

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

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

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

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

5. The director, after consultation with the working group as provided for in section 303.406, may adopt any rules and regulations necessary to carry out the provisions of subdivisions (1) through (3) of subsection 3 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,

RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

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

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

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

The request shall require the owner or the operator to state whether or not the motor vehicle was insured on the verification date stated in the director's request. The request may include but not be limited to a statement of the names and addresses of insurers, policy numbers and expiration date of insurance coverage. Failure to provide such information shall result in the suspension of the registration of the owner's motor vehicle, and where applicable, the owner's or the operator's driving privilege, for failing to meet such requirements, as is provided in this chapter.

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

313.835. 1. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services

provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year. The remaining net proceeds in the gaming commission fund shall be distributed in the following manner:

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

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

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

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

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

(d) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Appropriations from the veterans' commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed ten million dollars total may be made from the veterans' commission capital improvement trust fund as a match to other funds

for the new construction or renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, new construction, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans' commission prior to July 1, 2004;

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

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

(g) Fund transfers totaling ten million dollars to any municipality with a population greater than three hundred fifty thousand inhabitants and located in part in a county with a population greater than six hundred thousand inhabitants and with a charter form of government, for the sole purpose of the construction, restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund;

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

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

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

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

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

(e) No less than sixty percent of moneys deposited in the early childhood development, education and care fund shall be appropriated as provided in this paragraph to the department of elementary and secondary education and to the department of social services to provide early childhood development, education and care programs through competitive grants to, or contracts with, governmental or private agencies. Eighty percent of such moneys pursuant to the provisions of this paragraph and additional moneys as appropriated by the general assembly shall be appropriated to the department of elementary and secondary education and twenty percent of such moneys pursuant to the provisions of this paragraph shall be appropriated to the department of social services. The departments shall provide public notice and information about the grant process to potential applicants:

a. Grants or contracts may be provided for:

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

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

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

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

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

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

(iv) Documentation of community input into program development;

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

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

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

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

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

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

(iii) Are programs designed for special needs children;

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

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

[d. Beginning on August 28, 1998, the department of elementary and secondary education and the department of social services shall initiate and conduct a four-year study to evaluate the impact of early childhood development, education and care in this state. The study shall consist of an evaluation of children eligible for moneys pursuant to this paragraph, including an evaluation of the early childhood development, education and care of those children participating in such program and those not participating in the program over a four-year period. At the conclusion of the study, the department of elementary and secondary education and the department of social services shall, within ninety days of conclusion of the study, submit a report to the general assembly and the governor, with an analysis of the study required pursuant to this subparagraph, all data collected, findings, and other information relevant to early childhood development, education and care;**]**

(f) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or

contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be used for supplementing the competitive grants and contracts program authorized pursuant to paragraph (e) of this subdivision;

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

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

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

a. The adult caretaker of the children successfully participates in the parents as teachers program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the department;

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

c. The degree of economic need of the family;

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

(k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in paragraph (j) of this subdivision shall become effective only if the agency has fully complied with all of the requirements of chapter 536,

RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

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

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

329.028. 1. There is hereby created in the state treasury a fund to be known as the "Board of Cosmetology and Barber Examiners Fund", which shall consist of all moneys collected by the board. All fees provided for in this chapter and chapter 328, RSMo, shall be payable to the director of the division of professional registration, who shall keep a record of the account showing the total payments received and shall immediately thereafter transmit them to the department of revenue for deposit in the state treasury to the credit of the board of cosmetology and barber examiners fund. All the salaries and expenses for the operation of the board shall be appropriated and paid from such fund.

2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule license renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which

exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

[3. Upon appointment by the governor and confirmation by the senate of the board, all moneys deposited in the board of barbers fund created in section 328.050, RSMo, and the state board of cosmetology fund created in section 329.240, shall be transferred to the board of cosmetology and barber examiners fund created in subsection 1 of this section. The board of barbers fund and the state board of cosmetology fund shall be abolished when all moneys are transferred to the board of cosmetology and barber examiners fund.**]**

EXPLANATION: The requirement in subsection 3 of this section for the transfer of moneys from abolished funds has occurred.

376.671. 1. This section shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this state through an agent or other representative of the company issuing the contract.

2. In the case of contracts issued on or after the operative date of this section as defined in subsection 11 of this section, no contract of annuity, except as stated in subsection 1 of this section, shall be delivered or issued for delivery in this state unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the director are at least as favorable to the contractholder, upon cessation of payment of considerations under the contract:

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

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

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

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

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

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

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

(b) The amount of any indebtedness to the company on the contract, including interest due and accrued and increased by any existing additional amounts credited by the company to the contract. The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of thirty dollars and less a collection charge of one dollar and twenty-five cents per consideration credited to the contract during that contract year. The percentages of net considerations shall be sixty-five percent of the net consideration for the first contract year and eighty-seven and one-half percent of the net considerations for the second and later contract

years. Notwithstanding the provisions of the preceding sentence, the percentage shall be sixty-five percent of the portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was sixty-five percent;

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

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

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

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

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

4. Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

5. For contracts which provide cash surrender benefits, such cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than one percent higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness

to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

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

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

8. Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

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

10. For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits

for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections 4, 5, 6, 7, and 9 of this section, additional benefits payable in the event of total and permanent disability, as reversionary annuity or deferred reversionary annuity benefits, or as other policy benefits additional to life insurance, endowment and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

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

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

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

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

(1) "Annual claims", that period of time commencing on the first day of January of every year after December 31, 2002, and ending on the last day of that calendar year;

(2) "Commission", the labor and industrial relations commission;

(3) "Division", the division of workers' compensation;

(4) **[**"Initial claims period", that period commencing on August 28, 2001, and ending on December 31, 2002;

(5)**]** "Punitive damage final judgment", an award for punitive damages excluding interest that is no longer subject to review by courts of this state or of the United States;

[(6)**] (5)** "Uncompensated tort victim", a person who:

(a) Is a party in a personal injury or wrongful death lawsuit; or is a tort victim whose claim against the tort-feasor has been settled for the policy limits of insurance covering the

liability of such tort-feasor and such policy limits are inadequate in light of the nature and extent of damages due to the personal injury or wrongful death;

(b) Unless described in paragraph (a) of this subdivision:

a. Has obtained a final monetary judgment in that lawsuit described in paragraph (a) of this subdivision against a tort-feasor for personal injuries, or wrongful death in a case in which all appeals are final;

b. Has exercised due diligence in enforcing the judgment; and

c. Has not collected the full amount of the judgment;

(c) Is not a corporation, company, partnership or other incorporated or unincorporated commercial entity;

(d) Is not any entity claiming a right of subrogation;

(e) Was not on house arrest and was not confined in any federal, state, regional, county or municipal jail, prison or other correctional facility at the time he or she sustained injury from the tort-feasor;

(f) Has not pleaded guilty to or been found guilty of two or more felonies, where such two or more felonies occurred within ten years of the occurrence of the tort in question, and where either of such felonies involved a controlled substance or an act of violence; and

(g) Is a resident of the state of Missouri or sustained personal injury or death by a tort which occurred in the state of Missouri.

2. There is created the "Tort Victims' Compensation Fund". Unexpended moneys in the fund shall not lapse at the end of the biennium as provided in section 33.080, RSMo.

3. Any party receiving a judgment final for purposes of appeal for punitive damages in any case filed in any division of any circuit court of the state of Missouri shall notify the attorney general of the state of Missouri of such award, except for actions claiming improper health care pursuant to chapter 538, RSMo. The state of Missouri shall have a lien for deposit into the tort victims' compensation fund to the extent of fifty percent of the punitive damage final judgment which shall attach in any such case after deducting attorney's fees and expenses. In each case, the attorney general shall serve a lien notice by certified mail or registered mail upon the party or parties against whom the state has a claim for collection of its share of a punitive damage final judgment. On a petition filed by the state, the court, on written notice to all interested parties, shall adjudicate the rights of the parties and enforce the lien. The lien shall not be satisfied out of any recovery until the attorney's claim for fees and expenses is paid. The state can file its lien in all cases where punitive damages are awarded upon the entry of the judgment final for purposes of appeal. The state cannot enforce its lien until there is a punitive damage final judgment. Cases resolved by arbitration, mediation or compromise settlement prior to a punitive damage final judgment are exempt from the provisions of this section. Nothing in this section

shall hinder or in any way affect the right or ability of the parties to any claim or lawsuit to compromise or settle such claim or litigation on any terms and at any time the parties desire.

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

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

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

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

3. Each claim shall be filed in person or by mail. The division shall investigate such claim prior to the opening of formal proceedings. The director of the division shall assign an administrative law judge, associate administrative law judge or legal advisor within the division to hear any claim for compensation filed. The claimant shall be notified of the date and time of any hearing on the claim. In determining the amount of compensation for which a claimant is eligible, the division shall:

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

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

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

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

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

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

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

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

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

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

(2) With regard to all claims that are made after the initial claims period**]**, the division shall determine the aggregate amount of all awards made on those claims filed during an annual claims period. Such determination shall be made on or before the thirtieth day of June in the next succeeding year. If the aggregate value of the awards does not exceed the total amount of money in the fund, then the awards shall be paid in full on or before the thirtieth day of September in the next succeeding year. If the aggregate value of the awards does exceed the total amount of money in the fund, then the awards shall be paid on a pro rata basis on or before the thirtieth day of September in the next succeeding year.

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

cannot be paid due to a lack of funds appropriated for payment of claims of uncompensated tort victims shall not constitute a claim against the state.

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

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

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

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

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

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

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

[7. All the powers, duties and functions of the commerce and industrial development division and the industrial development commission, chapters 184 and 255, RSMo, and others,

not otherwise transferred, are transferred by type I transfer to the department of economic development, and the industrial development commission is abolished. All powers, duties and functions of the division of commerce and industrial development and the division of community development are transferred by a type I transfer to the department of economic development, and the division of commerce and industrial development and the division of community development are abolished.

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

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

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

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

[12.**] 9.** All the authority, powers, duties, functions, records, personnel, property, matters pending and other pertinent vestiges of the division of manpower planning of the department of social services are transferred by a type I transfer to the "Division of Job Development and Training", which is hereby created, within the department of economic development. The division of manpower planning within the department of social services is abolished. The provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating to the manner and procedures for transfers of state agencies shall apply to the transfers provided in this section.

[13.**] 10.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then

the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

620.1023. 1. There is hereby created in the state treasury a revolving fund to be administered by the department of economic development to be known as the "Business Extension Service Team Fund". The fund shall consist of all moneys which may be appropriated to it by the general assembly, gifts, contributions, grants or bequests received from federal, private or other sources. A percentage of the moneys in such fund shall be used by the department for grants or loans for qualified community development projects in order to create or retain jobs in any city not within a county, any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, any fourth class city with a population of at least three thousand five hundred inhabitants but not more than five thousand five hundred inhabitants which is located in a county of the first classification with a charter form of government with a population of at least nine hundred thousand inhabitants, and any third class city with a population of at least three thousand inhabitants but not more than five thousand five hundred inhabitants which is located in a county of the first classification with a charter form of government with a population of at least nine hundred thousand inhabitants, and shall be targeted toward economically blighted urban districts for new businesses, expansion of existing businesses and for employee training and housing. The department may require such grants or

loans to be made on a matching fund basis. Any city that receives funding from the business extension service team fund may use up to ten percent of such grant or loan for administrative costs. As used in this subdivision, "economically blighted urban districts" means areas which meet all of the following criteria:

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

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

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

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

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

2. The department of economic development may use a percentage of the moneys in the fund established in subsection 1 of this section to directly contract with community development corporations established pursuant to section 135.400, RSMo, for the provision of job training or for creating or retaining jobs in any area meeting the criteria outlined in subsection 1 of this section.

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

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective October 1, 1990, and shall expire December 31, 2010. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall

expire on December 31, 2010. The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220, RSMo. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer district, a public water district or other publicly owned treatment works are state fees. Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.

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

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

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

644.551. All bonds herein authorized to be issued shall be paid at maturity and all interest accruing thereon shall be paid when it falls due by the state treasurer, at a place designated in the bonds and coupons attached. Thirty days before any of the bonds mature and any of the interest thereon falls due, it shall be the duty of the board of fund commissioners to draw its requisition for the amount necessary to pay such interest on the bonds and the principal of maturing bonds and the necessary expenses to be incurred in transmitting such moneys. Whereupon the commissioner of administration shall certify the amount **[**to the state auditor, and the state auditor shall issue his warrant upon**] and transmit the warrant to** the state treasurer **for payment from the state treasury** therefor in favor of the president of the board of fund commissioners, payable out of the water pollution control bond and interest fund; and the warrant so drawn shall be delivered to the state treasurer who shall transmit the amount of money therein specified to the paying agent named in the bonds with instructions to place such money

to the credit of the board of fund commissioners for the payment of interest or principal of such bonds. Whenever in the opinion of the board of fund commissioners it is advisable to do so, and there are sufficient funds therefor, the board may redeem any of the bonds before maturity if the holders thereof agree thereto, and may also purchase any of the bonds in the open market whenever funds are available and in the opinion of the board it is to the advantage of the state to do so; but, in the event any of the bonds are redeemed before maturity, the purchase price shall not exceed the face value of said bonds plus accrued interest not previously paid.

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

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

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

[21.840. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Preneed Funeral Contracts" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Missouri State University", "Southwest Missouri State University", and "Lincoln University".

2. Upon transfer of funds from the Missouri state chest hospital fund to the board of curators of the University of Missouri pursuant to section 172.860, RSMo, the Missouri state chest hospital fund shall be abolished.**]**

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

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

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

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

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

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

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

6. The general assembly may annually appropriate to the governor amounts from the budget stabilization fund to be used as a reserve to meet budget shortfalls. In any fiscal year in which the governor reduces the expenditures of the state or any of its agencies below their appropriations in accordance with section 27 of article IV of the Missouri Constitution, and only during that period of time in which the general assembly is in regular or extraordinary session, the governor may authorize the commissioner of administration to transfer funds appropriated to the governor from the budget stabilization fund to fulfill the expenditures authorized by any of the existing appropriations which were affected by the governor's decision to reduce expenditures pursuant to section 27 of article IV of the Missouri Constitution. Prior to making any authorization for the transfer of funds appropriated from the budget stabilization fund, the governor shall notify the general assembly of his intent to make such authorization; and, if not disapproved by concurrent resolution within thirty days of the receipt of such notice by the general assembly, such authorization shall be

valid. No amount shall be expended from funds appropriated to the governor from the budget stabilization fund unless pursuant to an authorization by the governor as specified in this subsection.

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

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

[33.571. 1. The attorney general's court costs fund established by section 27.080, RSMo; the microfilming service revolving fund established by section 28.085, RSMo; the central check mailing service revolving fund established by section 30.245, RSMo; the revenue sharing trust fund established by section 30.900, RSMo; the Missouri veterans home fund and the Missouri state rehabilitation center fund established by section 31.010, RSMo; the state institutions gift trust fund established by section 33.563; the Missouri state surplus property clearing fund established by section 37.090, RSMo; the tort defense fund established by section 105.710, RSMo; the grade crossing fund established by section 152.032, RSMo; the handicapped children's trust fund established by section 162.790, RSMo; the state guaranty student loan fund established by section 173.120, RSMo; the special fund for the vocational rehabilitation of persons established by section 178.630, RSMo; the library service fund established by section 181.025, RSMo; the medical services fund established by section 192.255, RSMo; the crippled children's service fund established by section 201.090, RSMo; the Missouri clean water fund established by section 644.051, RSMo; the housing development fund established by section 215.050, RSMo; the national historic preservation fund established by section 253.022, RSMo; the state park board building fund established by section 253.230, RSMo; the Missouri federal water projects recreation fund established by section 640.510, RSMo; the marketing development fund established by section 261.035, RSMo; the state fair fees fund established by section 262.260, RSMo; the state fair trust fund established by section 262.262, RSMo; the abandoned fund account established by section 362.395, RSMo; the public service commission fund established by section 386.370, RSMo; the escheats fund established by section 470.020, RSMo; the professional liability review board fund established by section 538.055, RSMo; and the highway patrol academy fund established by section 590.145, RSMo, are abolished. All balances in any of those funds on September 28, 1983, may be, as deemed necessary by the state treasurer and commissioner of administration, transferred to the general revenue fund. Prior to such date, any of the funds listed in this section which may be determined to be required for the continued custody or receipt of money

or property under the terms of any testamentary instrument or indenture of trust, or from which repayment of any bonded indebtedness is to be made, shall be certified by the commissioner of administration to the state treasurer and upon such certification, shall be exempted from the provisions of this section. He shall notify the revisor of statutes if such changes are made so that appropriate notations may be made in the revised statutes.

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

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

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

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

(2) Such amounts as may be appropriated by the general assembly or otherwise credited to the cash operating reserve fund. The commissioner of administration may, throughout any fiscal year, transfer amounts from the cash operating reserve fund to the general revenue fund without other legislative action if he determines that such transfers are necessary for the cash requirements

of the state. The commissioner shall transfer from the general revenue fund to the reserve an amount equal to the amount transferred from the reserve to the general revenue fund, but in any case the transfer must be made prior to May first of the fiscal year. No transfer out of the cash reserve may be made during May or June of any fiscal year. The balance in the reserve on May first of each fiscal year shall not be less than the sum of the opening balance of the reserve for that fiscal year plus accrued interest earned. Funds in the reserve which are not needed for current cash requirements of the state shall be invested by the treasurer in the same manner as other surplus funds are invested.**]**

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

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

[57.130. 1. The sheriffs of the several counties shall collect and account for all the fines, penalties, forfeitures and other sums of money, by whatever name designated, accruing to the state or any county by virtue of any order, judgment or decree of a court of record, provided that by court rule provision may be made for a court clerk to collect fines, penalties, forfeitures and other sums of money accruing to the state by virtue of any order, judgment or decree of the court.

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

[60.461. No coordinates based on either Missouri coordinate system purporting to define the position of a point on a land boundary shall be presented to be recorded in any public land records or deed records unless the point is within one kilometer of a horizontal control station established in conformity

with the standards prescribed in section 60.451; except that, such one kilometer limitation may be modified by the department of natural resources to meet local conditions.**]**

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

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

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

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

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

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

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

[94.210. The board of aldermen shall, within a reasonable time after the assessor's books of each year are returned, ascertain the amount of money to be

raised thereon for general and other purposes, and fix the annual rate of levy therefor by ordinance.**]**

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

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

[96.310. 1. When one hundred voters of any city of the third class shall petition the mayor and legislative branch of the municipal government, asking that an annual tax be levied for the maintenance of a home for orphan children and the children of indigent parents, and shall specify in the petition a rate of taxes not to exceed one mill on the dollar annually on all property in the city, such mayor by direction of the legislative branch of the municipal government shall submit the question to the voters.

2. The question shall be submitted in substantially the following form:

Shall there be a tax for a children's home?

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

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

5. In case of an increase in valuation in any year of the taxable property within such incorporated city, the council of such city may reduce the levy herein provided for by levying a tax for the maintenance of said orphans' home which

in the judgment of said common council shall be sufficient for the maintenance of the orphans' home throughout the year, but in no case shall the tax so levied for any one year by the common council exceed ten percent more than the tax of the previous year.**]**

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

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

[96.340. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such bylaws, rules and regulations for their own guidance and for the management and control of the children's home as may be expedient and not inconsistent with sections 96.300 to 96.380 and to that end may employ such persons as may be necessary for said purpose. They shall have exclusive control of all moneys collected to the credit of the children's home fund and all of the supervision, care and custody of said home; provided, that all moneys received for such home shall be deposited in the treasury of said city to the credit of the children's home fund and shall be kept separate and apart from other moneys of such city and drawn upon by the proper officers of said city upon the properly authenticated vouchers of the children's home board; said board shall have power to appoint a suitable person to take charge of the management and control of said home, and all necessary assistants for such person and fix their compensation and shall have power to remove such appointees and shall in general carry out the spirit and intent of sections 96.300 to 96.380, in establishing and maintaining a home for orphan children and the children of indigent parents.**]**

[96.350. The board of directors shall have power to make all necessary rules and regulations for the admission of children to said home, but no child shall be admitted thereto who has not been a bona fide resident of said city for a period of not less than three months next immediately preceding his admission to said home, and in the admission of children, preference shall be given to those whose parents are both dead or who have abandoned them; provided, that no religious or sectarian requirement shall ever be made for such admission.**]**

[96.360. The board of directors shall have power to fix and maintain such charges as they deem proper for the admission and retention of children in said home, to the end that parents who are able to contribute to the support of their children may be required to do so, according to their ability.**]**

[96.370. The said board of directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of said home on the first day of May of that year, the various sums of money received from the children's home fund and from other sources, and how such moneys have been expended and for what purposes, with such other statistics, information and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money shall be verified by affidavit.**]**

[96.380. Any person desiring to make donations of money, personal property or real estate, for the benefit of such orphan children or the children of indigent parents, of such city, shall have a right to vest the title to the money or real estate so donated in the board of directors created under sections 96.300 to 96.380, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the said board shall be held and considered to be special trustees.**]**

[99.799. 1. The joint committee on tax policy shall conduct a study of the feasibility of creating a program to allow municipalities within the state to engage in tax increment finance-like projects with optional tax abatement in any area of such municipality regardless of the existence of blight. The committee shall report its findings to the general assembly no later than December 31, 2007.

2. The provisions of this section shall expire on January 1, 2008.**]**

[105.140. It shall be the duty of the town, city and county officers in this state, when called upon by the state auditor to do so, to report, on blanks furnished by the state auditor, statistical information concerning dramshops, wine and beer saloons, costs in criminal cases, salaries paid county officers, costs of assessing and collecting the revenue, the debts of counties and cities, and such other information as will be of general interest when published. The state auditor

shall prepare and cause to be printed proper blanks for carrying the provisions of this section into effect, and shall supply the proper officers with such blanks once in each year; and the officer required to fill up said blanks shall do so within thirty days, and forward the same to the state auditor, who shall tabulate the information, and publish such part of the same in his biennial report to the general assembly as he may deem of importance. Any person failing or refusing to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than twenty dollars nor more than one hundred dollars.**]**

[105.983. The ethics commission shall study methods to improve the regulation of persons and organizations that conduct or utilize political telephone solicitations. The commission shall issue a report containing recommendations to the general assembly no later than January 1, 2007.**]**

[135.431. 1. The department of economic development shall identify active community development corporations operating within the state and assist them in the formation of a Missouri community development corporation association. The department shall assist the community development corporation association in an amount up to ten percent of its total appropriation for community development corporations to cover the cost associated with the activities of the association. The association shall serve as a clearinghouse for information for community development corporations. The association shall help staff members of community development corporations develop administrative skills in such areas as entrepreneurial development, grant writing, real estate analysis, financial deals structuring, negotiations, human resource development, strategic planning and community needs assessment. The association shall sponsor conferences which allow community development corporations to learn about community development activities statewide and at the federal level.

2. The Missouri community development corporation association shall be funded by dues assessed against participating community development corporations. The association shall adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted; elect officers; make expenditures which are incidental and necessary to carry out its purposes and powers; and do all things necessary to ensure full participation by Missouri community development corporations in any federal program relating to community development needs.**]**

[135.433. 1. The department of economic development shall establish a public-private partnership to be known as the "Missouri Community Development Corporation Initiative". The initiative shall be supported by appropriations made to the department for that purpose and from federal funds and private corporations. All moneys for the operation of the initiative shall be

deposited into the community development fund as established by section 135.401.

2. The initiative shall support the organizational development of community development corporations. Its purpose is to help these corporations initiate and develop strategies which generate beneficial self-sustaining economic and human development activities in minority and underdeveloped communities. It shall use public and private dollars to identify community development corporations appropriate for assistance, to administer a grants process, to offer bridge financing, and to lend technical assistance in numerous areas including the construction of affordable housing and the development of commercial real estate. Funding from the initiative to community development corporations may be in the following forms:

(1) Operational grants;

(2) Special opportunity grants;

(3) Gap financing for single and multifamily housing, office space, industrial space, plants and equipment, child care facilities, and small business incubators or entrepreneurial development;

(4) Bridge loans for emergency needs;

(5) Initial programs for emerging community development corporations to complete their first projects;

(6) Certificate of deposit loan leveraging programs to leverage loans made to community development corporations by financial institutions for land acquisition and construction; and

(7) Other financing programs which the initiative deems to be appropriate.**]**

[137.118. Notwithstanding any other provision of law to the contrary, to replace any lost revenues due to the change in the percentages of the true value in money used in determining the assessed valuation of livestock and farm machinery, any taxing authority may adjust its 1989 tax rate ceiling without voter approval to the extent necessary to generate the same property tax revenue as was produced in the previous year from property taxes on livestock and farm machinery subject to taxation by such taxing authority.**]**

[137.286. Notwithstanding any other law to the contrary, taxing districts or political subdivisions which first levied an ad valorem property tax pursuant to an election held in April, 1985, or in June, 1985, shall base tax levies on the property valuations established in 1985 and shall not roll back rates based on a tax rate ceiling calculated on 1984 property valuations.**]**

[142.821. The exemption for motor fuel sold within an Indian reservation or Indian country under section 142.815 shall be administered as follows:

(1) At the discretion of the director the exemption from taxation set forth in this section shall be administered as set out in either paragraph (a) or (b) of this subdivision. In the event a court of competent jurisdiction should strike down, enjoin, or issue any form of temporary restraining order against either paragraph (a) or (b) of this subdivision, then the remaining paragraph shall immediately become effective and shall be administered by the director. The two alternative methods are as follows:

(a) The tribal member shall apply for a refund with respect to the motor fuel purchased in this state for consumption within Indian country in this state as to which the tax imposed by this chapter has previously been paid and no refund previously issued; or

(b) The director shall determine, by the procedure set out herein, the annual probable demand for motor fuel for consumption by tribal members within Indian country for each ultimate vendor location owned and operated by a federally recognized Indian tribe on Indian country. Tribally owned and operated ultimate vendors shall be permitted a monthly allocation equal to one-twelfth the annual probable demand. No motor fuel shall be removed from a terminal or imported into this state tax free for sale at a tribally owned and operated location except pursuant to this section. The director shall issue exemption certificate coupons equal to the probable demand to each federally recognized tribe which owns and operates an ultimate vendor location in Indian country. The tribally owned and operated ultimate vendor shall transmit the coupons to its distributor who shall grant the ultimate vendor a credit in the amount of the tax exemption equal to the amount which would be due pursuant to section 142.803 absent the coupons. The distributor shall transmit said used coupons up its chain of distribution to the supplier charged with precollection of tax in accordance with this chapter who has granted the same tax exemption to the distributor. The supplier shall then claim the coupons as a credit against the tax liability otherwise owing on motor fuel removed from its terminals;

(2) The probable demand used in the method described in paragraph (b) of subdivision (1) of this section shall be determined in the first instance by the director by multiplying the number of members of the tribe which owns and operates an ultimate vendor location in Indian country who live within the service area of that location by the average per capita motor fuel consumption for residents of this state by a ratio whose numerator is the amount of motor fuel consumed in nonhighway uses (not on state maintained highways) and whose denominator is the amount of that motor fuel consumed in this state;

(3) In determining the number of members of the tribe living within the service area, the director may rely upon information including, but not limited to:

(a) Verified information voluntarily submitted by the affected tribe;

(b) Data derived from the most recent U.S. decennial census; and

(c) Data derived from the U.S. Bureau of Indian Affairs;

(4) The service area of a tribally owned and operated ultimate vendor location shall be presumed to be a radius around the location with a diameter of:

(a) Ten miles in counties whose population exceeds three hundred fifty thousand; and

(b) Twenty-five miles in counties whose population does not exceed three hundred fifty thousand. An affected tribe may rebut this presumption by competent evidence in a proceeding to adjust the probable demand determination pursuant to subdivision (7) of this subsection;

(5) In determining the per capita consumption of motor fuel and the ratio of nonhighway use of fuel to that consumed the director may rely upon information including, but not limited to:

(a) Filings with the director regarding total fuels removed from terminals versus the amount used upon highways in this state;

(b) Fuel consumption reports issued by the Federal Highway Administration; and

(c) Energy consumption reports issued by the U.S. Energy Information Service;

(6) The director may adjust his determination of probable demand periodically at his discretion, but not less often than upon receipt of a new federal decennial census;

(7) Should any affected federally recognized Indian tribe wish to contest the director's determination of probable demand, it may do so before the administrative hearing commission. At such hearing the tribe shall have the right to submit witnesses and evidence and shall have the burden of proof by a preponderance of the evidence to establish error in the director's determination and by establishing the tribe's own calculation. At the conclusion of such hearing, the administrative law judge shall prepare findings of fact, conclusions of law and an order which shall be subject to any and all rights of appeal enjoyed by the director or any other taxpayers. In such a hearing the affected tribe may introduce testimony under oath or other competent evidence to establish:

(a) The number of its tribal members living within the service area of a tribally owned and operated ultimate vendor location;

(b) The actual radius of the service area of the location, if different from those distances presumed in subdivision (4) of this section;

(c) Per capita motor fuel consumption of tribal members living within the service area if different from that calculated by the director in accordance with subdivision (5) of this section; or

(d) The ratio of nonhighway to highway use fuels within the service area if different from that calculated by the director under subdivision (5) of this section;

(8) Should the director determine that an affected tribe or its suppliers have been violating or evading its determination of probable demand hereunder or securing or selling untaxed motor fuel to consumers other than members of the

affected tribe, the director may, after notice and hearing, cancel the tax exemption coupons granted to the tribe and prohibit removal of tax-free motor fuel from a terminal or import into this state for delivery to the tribally owned and operated ultimate vendor locations. Upon such action, the tribal members must use the method provided in subdivision (1) of this section to obtain refunds, no further coupons shall be provided to the affected tribe, and the suppliers shall not be permitted to claim a credit upon receipt of the coupons.**]**

[152.032. 1. Fifty percent of all taxes collected by the director of revenue under the provisions of this chapter shall be deposited in the state treasury to the credit of a fund to be known as the "Grade Crossing Fund", which is hereby created and established for the purpose of providing revenues to protect the public against hazards existing at the crossings of public roads, streets, and highways with railroad tracks. Whenever the motor carrier and railroad safety division of the department of economic development, pursuant to section 389.640, RSMo, orders the installation, construction or reconstruction of automatic signals or other safety devices or other safety improvements at crossings at grade of railroads and public roads, highways or streets, the cost thereof, which the division apportions against the state, county, municipality or other public authority in interest, shall be paid out of the grade crossing fund; provided, however, that when any part of such cost can be paid from funds available under any federal or federal aid highway act such part shall not be paid from the grade crossing fund; and provided, further, that no more than ninety percent of the cost of protecting any grade crossing shall be paid out of the grade crossing fund. The motor carrier and railroad safety division of the department of economic development shall, in cooperation with other governmental agencies of the state, determine if any such cost can be paid from funds available under any federal or federal aid highway act. An order of the motor carrier and railroad safety division of the department of economic development for the payment of any such cost from the grade crossing fund shall be authority for the state treasurer to pay out of that fund to the person, firm, or corporation entitled thereto under the division's order the amount so determined to be paid from said fund. However, such payments annually shall not exceed in any one county an amount equal to the distribution as set forth in section 152.050, unless the motor carrier and railroad safety division of the department of economic development makes a specific finding of facts and conclusions of law that a situation highly dangerous to the public does exist.

2. The unexpended balance in the grade crossing fund at the end of each fiscal year shall not revert to the general revenue fund as provided in section 33.080, RSMo, but shall accumulate from year to year.**]**

[165.016. 1. A school district shall expend as a percentage of current operating cost, for tuition, teacher retirement and compensation of certificated

staff, a percentage that is for the 1994-95 and 1995-96 school years no less than three percentage points less than the base school year certificated salary percentage and for the 1996-97 school year, no less than two percentage points less than the base school year certificated salary percentage. A school district may exclude transportation and school safety and security expenditures from the current operating cost calculation of the base year and the year or years for which the compliance percentage is calculated. The base school year certificated salary percentage shall be the two-year average percentage of the 1991-92 and 1992-93 school years except as otherwise established by the state board under subsection 4 of this section; except that, for any school district experiencing, over a period of three consecutive years, an average yearly increase in average daily attendance of at least three percent, the base school year certificated salary percentage may be the two-year average percentage of the last two years of such period of three consecutive years, at the discretion of the school district.

2. Beginning with the 1997-98 school year, a school district shall:

(1) Expend, as a percentage of current operating cost, as determined in subsection 1 of this section, for tuition, teacher retirement and compensation of certificated staff, a percentage that is no less than two percentage points less than the base school year certificated salary percentage; or

(2) For any year in which no payment of a penalty is required for the district under subsection 6 of this section, have an unrestricted fund balance in the combined incidental and teachers' funds on June thirtieth which is equal to or less than ten percent of the combined expenditures for the year from those funds.

3. Beginning with the 1999-00 school year:

(1) As used in this subsection, "fiscal instructional ratio of efficiency" or "FIRE" means the quotient of the sum of the district's current operating costs, which for this section shall mean all expenditures for instruction and support services, excluding capital outlay and debt service expenditures less the revenue from federal categorical sources, food service, student activities, and payments from other districts, for all kindergarten through grade twelve direct instructional and direct pupil support service functions plus the costs of improvement of instruction and the cost of purchased services and supplies for operation of the facilities housing those programs, and excluding student activities, divided by the sum of the district's current operating cost, as defined in this subdivision, for kindergarten through grade twelve, plus all tuition revenue received from other districts minus all noncapital transportation and school safety and security costs;

(2) A school district shall show compliance with this section in school year 1998-99 and thereafter by the method described in subsections 1 and 2 of this section, or by maintaining or increasing its fiscal instructional ratio of efficiency compared to its FIRE for the 1997-98 base year.

4. (1) The state board of education may exempt a school district from the requirements of this section upon receiving a request for an exemption by a school district. The request shall show the reason or reasons for the

noncompliance, and the exemption shall apply for only one school year. Requests for exemptions under this subdivision may be resubmitted in succeeding years.

(2) A school district may request of the state board a one-time, permanent revision of the base school year certificated salary percentage. The request shall show the reason or reasons for the revision.

5. Any school district requesting an exemption or revision under subsection 4 of this section must notify the certified staff of the district in writing of the district's intent. Prior to granting an exemption or revision, the state board shall consider comments from certified staff of the district. The state board decision shall be final.

6. Any school district which is determined by the department to be in violation of the requirements of subsection 1 or 2 of this section, or both, shall compensate the building-level administrative staff and nonadministrative certificated staff during the year following the notice of violation by an additional amount which is equal to one hundred ten percent of the amount necessary to bring the district into compliance with this section for the year of violation. In any year in which a penalty is paid, the district shall pay the penalty specified in this subsection in addition to the amount required under this section for the current school year.

7. Any additional transfers from the teachers' or incidental fund to the capital projects fund beyond the transfers authorized by state law and state board policy in effect on January 1, 1996, shall be considered expenditures from the teachers' or incidental fund for the purpose of determining compliance with the provisions of subsections 1, 2 and 3 of this section.

8. The provisions of this section shall not apply to any district wherein the local effort is greater than its weighted average daily attendance multiplied by the state adequacy target multiplied by the dollar value modifier under section 163.031, RSMo.

9. The provisions of subsections 1 to 8 of this section shall not apply to any district that has unrestricted fund balances in the combined incidental and teacher funds on June thirtieth of the preceding year which are equal to or less than seventeen percent of the combined expenditure for the preceding year from these funds in any year in which state funds distributed pursuant to subsections 1 and 2 of section 163.031, RSMo, are no more than ninety-six percent of such state funds distributed in fiscal year 2002.

10. The provisions of subsections 1 to 8 of this section shall not apply to any district which meets the following criteria:

(1) With ten percent or more of its assessed valuation that is owned by one person or corporation as commercial or personal property who is delinquent in a property tax payment;

(2) With unrestricted fund balances in the combined incidental and teacher funds on June thirtieth of the preceding year which are equal to or less than one-half of the local property tax revenue for the previous year; and

(3) In any year in which state funds distributed pursuant to subsections 1 and 2 of section 163.031, RSMo, are no more than ninety-six percent of such state funds distributed in fiscal year 2002.

11. The provisions of this section shall terminate on June 30, 2007.**]**

[165.018. 1. Any school district shall be permitted to make a one-time additional transfer from the incidental fund to the capital projects fund in an amount not to exceed forty percent of that district's June 30, 2006, incidental fund if such school district meets one of the following qualifications:

(1) Has an average daily attendance between nine hundred forty and one thousand forty during the 2004-2005 school year, located at least partially in a county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants and which entirely encompasses a city of the fourth classification with more than one thousand one hundred but fewer than one thousand two hundred inhabitants; or

(2) Has an average daily attendance between six hundred and six hundred thirty during the 2004-2005 school year, located at least partially in any county of the second classification with more than fifty-five thousand six hundred but fewer than fifty-five thousand seven hundred inhabitants; or

(3) Has an average daily attendance between four hundred sixty and four hundred ninety during the 2004-2005 school year, located at least partially in any county of the third classification without a township form of government and with more than twenty-three thousand two hundred fifty but fewer than twenty-three thousand three hundred fifty inhabitants; or

(4) Has an average daily attendance between one thousand four hundred and one thousand five hundred during the 2004-2005 school year and is located entirely within a county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants.

2. The provisions of this section shall terminate on July 1, 2007.**]**

[170.250. 1. The "Video Instructional Development and Educational Opportunity Program" is established to encourage all educational institutions in Missouri to supplement educational opportunities through telecommunications technology and satellite broadcast instruction. The program established by this section is to be administered by the state board of education. The program shall consist of:

(1) Grants to local school districts, state-supported institutions of higher education and public television stations as defined in section 37.205, RSMo, for equipment and instruction;

(2) Instructional programs developed pursuant to this section and transmitted through the airwaves, over telephone lines, or by cable television which are available for all residents of this state without charge as defined in this section; and

(3) Instructional programs developed pursuant to this section which are available to any subscriber according to this section.

2. The "Video Instructional Development and Educational Opportunity Fund" is established in the state treasury and shall be administered by the department of elementary and secondary education at the direction of the state board of education. Moneys deposited in the fund shall consist of revenues generated from state sales and use tax revenues as provided in chapter 144, RSMo, on the rental of films, records or any type of sound or picture transcriptions as provided in subsection 3 of this section and shall include four million dollars transferred to the fund annually. Moneys in the fund shall be used solely for purposes established by this section.

3. Within the department of elementary and secondary education, there is established an advisory committee which shall make recommendations to the state board of education on the grant program. The committee shall be composed of twenty-nine members. The members of the committee shall consist of one representative of public television stations as defined in section 37.205, RSMo, and one representative of the cable television industry appointed by the state board of education, one representative of public television stations as defined in section 37.205, RSMo, and one representative of the cable television industry appointed by the coordinating board for higher education, three classroom teachers from the elementary and secondary level appointed by the state board of education, three school administrators of elementary or secondary schools appointed by the state board of education, three members of school boards of local public school districts appointed by the state board of education, four representatives from public community college districts appointed by the coordinating board for higher education, four representatives of state-supported institutions of higher education other than community colleges appointed by the coordinating board for higher education, one representative of the regional consortium for education and technology appointed by the state board of education, one representative of the cooperating school districts of the St. Louis suburban area appointed by the state board of education, two representatives of the public appointed by the governor with the advice and consent of the senate, two members of the senate appointed by the senate president pro tem and two members of the house of representatives appointed by the speaker of the house of representatives. Of all members appointed by the state board of education, no more than four shall be from any one congressional district and of all the

members appointed by the coordinating board for higher education, no more than four shall be from any one congressional district. The members of the committee shall serve three-year terms and shall not serve more than two terms consecutively. However, committee members having served two consecutive terms may be reappointed after leaving the committee for at least one three-year term. On August 28, 1992, the committee shall designate nine of its members to serve a term of one year, ten of its members to serve a term of two years, and ten of its members to serve a term of three years. All subsequent appointments shall be for three years. All members shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred while serving on the committee out of funds appropriated for that purpose. The committee shall meet at least quarterly and shall annually issue a report together with its recommendations to the state board of education and the general assembly.

4. The state board of education may cooperate with existing programs including the University of Missouri, other institutions of higher education, the cooperating school districts of the St. Louis suburban area, or its successor organization, the regional consortium for education and technology or its successor organization, and any statewide organization of public school governing boards and may delegate or contract for the performance or operation of the respective grant programs. The state board of education shall establish appropriate guidelines for participation by the aforementioned entities and by school districts, community college districts, and public television stations as defined in section 37.205, RSMo, in the grant program. Such guidelines shall include application procedures and shall establish policies for awarding grants in the event that more grant applications are received than are funds available to honor the applications in any fiscal year. In allocating funds to applicants, the state board of education may give due consideration to revenues available from all other sources. The state board of education shall accredit courses offered through this program at the elementary and secondary education level. The coordinating board for higher education shall approve courses taught at the postsecondary level.

5. In any fiscal year, moneys in the fund shall be used first to ensure that any and all school districts, community college districts and state institutions of higher education seeking aid under this program shall receive telecommunications equipment including computers and modems necessary to participate in the satellite learning process or instructional television video; second to provide the school districts, community college districts and state institutions of higher education with access to subjects at the advanced level or the remedial level or which are not taught in the schools of the district or the service area or campus, which subjects shall include courses in continuing education necessary for maintenance or renewal of licenses for all such licensed health care providers; and third to provide enrichment classes for all pupils of the

district. However, the state board of education may set aside a portion of the funds to be used to contract with state-supported institutions of higher education and public television stations as defined in section 37.205, RSMo, to develop instructional programs for grades kindergarten through twelve and for undergraduate and graduate course work suitable for broadcast to the school districts, community college districts and state institutions of higher education as appropriate and to develop the capability to transmit programs cited in this section.

6. Participation by a local school district, a community college district or a state institution of higher education in the program established by this section shall be voluntary. No school district, community college district or state institution of higher education receiving funds under this program shall use those funds for any purpose other than that for which they were intended. Any school district, community college district or state institution of higher education shall be eligible to receive funds under this program regardless of its curriculum, local wealth or previous contractual arrangements to receive satellite broadcast instruction.

7. The office of administration on behalf of the state of Missouri may contract with institutions of higher education for the development or operation or both of state employee training programs transmitted by telecommunications technology.

8. Instructional programs developed pursuant to this section which are transmitted one way through the airwaves or by cable television shall be available to all residents of this state without charge or fee to the extent permitted by the Missouri Constitution. "Without charge or fee" shall not require the providing of equipment to transmit or receive telecommunications instruction or the providing of commercial cable television service. If the instructional program involves two-way, interactive communication between the instructor and the participant, the district or institution operating the program may prescribe academic prerequisites and limit the number of persons who may enroll in the specific program and give preference to residents of the district or institutional attendance area who are age twenty-one or younger but shall not discriminate against any resident on any other basis. A fee may be charged which shall be paid directly by the individual participant, but the fee shall be equal for all participants. If a subscription fee is charged by the originator of the program, the district or institution may pay the subscription fee for all participants from the grant pursuant to this section or from any other public or private fund legally authorized to be used for this purpose. Printed materials designed to facilitate or complement telecommunications programs or electronic reproductions thereof may be made available for loan by the school district, community college or institution of higher education through the public library system subject to the normal rules and regulations of the lending system and in such quantities as may be approved by the governing body of the district or institution. Instructional

programs which involve two-way, interactive communication between the instructor and the participant shall also be available to any not-for-profit organization in this state which is exempt from taxation pursuant to subdivision (19) of subsection 2 of section 144.030, RSMo, upon payment of a reasonable subscription fee as determined by the state board of education. Such fees shall be set on a per-participant, per-course basis. The district or institution or the state board of education may make telecommunication equipment available for purchase at cost by or rental to any not-for-profit organization in this state which is exempt from taxation pursuant to subdivision (19) of subsection 2 of section 144.030, RSMo.

9. (1) In order to facilitate or complement telecommunications, local exchange telecommunications companies shall file with the public service commission tariffs for provision of local service to public school districts, and may file tariffs for provision of local service to accredited primary or secondary schools owned or operated by private entities and community college districts located within the local exchange telecommunications companies certified area. Such local exchange telecommunications companies shall seek commission authorization to provide local service at rates lower than those charged for business and residential service in effect when the tariff is filed, provided that the proposed rates may not be below the actual cost of providing the service. Upon approval of the public service commission, the rates shall not be classified as discriminatory for the purposes of chapter 392, RSMo.

(2) The public service commission may approve the tariff as submitted, or may, after hearing, modify the tariff in the public interest. The commission may promulgate rules to aid in the implementation of this section.**]**

[172.860. Any funds remaining in the Missouri state chest hospital fund and any funds remaining in any other fund designated for the Missouri rehabilitation center in the treasury of this state on the effective date of the transfer of the Missouri rehabilitation center to the board of curators of the University of Missouri, except for that portion as may be retained by the department of health and senior services for the continued support of the tuberculosis laboratory, upon notice to the director of revenue that an agreement has been executed which transfers the Missouri rehabilitation center from the department of health and senior services to the board of curators of the University of Missouri, shall be transferred to the control and management of the curators of the University of Missouri, to be held and expended by the curators consistent with the provisions of section 172.850.**]**

[173.710. Sections 173.700, 173.705, 173.708 and this section shall expire on January 1, 1996, if the midwestern higher education compact does not become effective prior to December 31, 1995.**]**

[173.715. The following compact, as amended, is approved and this state is declared to be a party thereto; and agreements, covenants and obligations therein are binding upon the state of Missouri.

THE REGIONAL COMPACT

1. Whereas, the said states desire to enter into a compact with each other providing for the planning and establishment of regional educational facilities;

2. Now, therefore, in consideration of the mutual agreements, covenants and obligations assumed by the respective states who are parties hereto (hereinafter referred as "states"), the said several states do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting states which, for the purpose of this compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent states and derived from other sources for the establishment, acquisition, operation and maintenance of regional educational schools and institutions for the benefit of citizens of the respective states residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this compact.

(1) The states do further hereby establish and create a joint agency which shall be known as the board of control for southern regional education (hereinafter referred to as the "board"), the members of which board shall consist of the governor of each state, ex officio, and four additional citizens of each state to be appointed by the governor thereof, at least one of whom shall be selected from the field of education, and at least one of whom shall be a member of the legislature of that state. The governor shall continue as a member of the board during his tenure of office as governor of the state, but the members of the board appointed by the governor shall hold office for a period of four years except that in the original appointments, one board member so appointed by the governor shall be designated at the time of his appointment to serve an initial term of one year; one board member to serve an initial term of two years; one board member to serve an initial term of three years; and the remaining board member to serve the full term of four years; but thereafter the successor of each appointed board member shall serve the full term of four years. Vacancies on the board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the governor for the unexpired portion of the term. The officers of the board shall be a chairman, a vice chairman, a secretary, a treasurer, and such additional officers as may be created by the board from time to time. The board shall meet annually and officers shall be elected to hold office until the next annual meeting. The board shall have the right to formulate and establish bylaws not inconsistent with the provisions of this compact to govern its own actions in the performance of the duties delegated to it including the right to create and appoint an executive committee and a finance committee with such powers and authority as the board may delegate to them from time to time. The board may, within its discretion, elect as its chairman a person who is not a member of the board, provided such

person resides within a signatory state, and upon such election such person shall become a member of the board with all the rights and privileges of such membership.

(2) It shall be the duty of the board to submit plans and recommendations to the states from time to time for their approval and adoption by appropriate legislative action for the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area of the states, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise, as they may deem and determine to be proper, necessary or advisable. Title to all such educational institutions when so established by appropriate legislative actions of the states and to all properties and facilities used in connection therewith shall be vested in said board as the agency of and for the use and benefit of the said states and the citizens thereof, and all such educational institutions shall be operated, maintained and financed in the manner herein set out, subject to any provisions or limitations which may be contained in the legislative acts of the states authorizing the creation, establishment and operation of such educational institutions.

(3) In addition to the power and authority heretofore granted, the board shall have the power to enter into such agreements or arrangements with any of the states and with educational institutions or agencies, as may be required in the judgment of the board, to provide adequate services and facilities for graduate, professional and technical education for the benefit of the citizens of the respective states residing within the region, and such additional and general power and authority as may be vested in the board from time to time by legislative enactment of the said states.

(4) Any two or more states who are parties of this compact shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens residing within an area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such states and to be controlled exclusively by the members of the board representing such states provided such agreement is submitted to and approved by the board prior to the establishment of such institutions.

(5) Each state agrees that, when authorized by the legislature, it will from time to time make available and pay over to said board such funds as may be required for the establishment, acquisition, operation and maintenance of such regional educational institutions as may be authorized by the states under the terms of this compact, the contribution of each state at all times to be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the Bureau of Census of the United States of America; or upon such other basis as may be agreed upon.

(6) This compact shall not take effect or be binding upon any state unless and until it shall be approved by proper legislative action of as many as six or more of the states whose governors have subscribed hereto within a period of eighteen months from the date hereof. When and if six or more states shall have given legislative approval to this compact within said eighteen months' period, it shall be and become binding upon such six or more states sixty days after the date of legislative approval by the sixth state and the governors of such six or more states shall forthwith name the members of the board from their states as hereinabove set out, and the board shall then meet on call of the governor of any state approving this compact, at which time the board shall elect officers, adopt bylaws, appoint committees and otherwise fully organize. Other states whose names are subscribed hereto shall thereafter become parties hereto upon approval of this compact by legislative action within two years from the date hereof, upon such conditions as may be agreed upon at the time. Provided, however, that with respect to any state whose constitution may require amendment in order to permit legislative approval of the compact, such state or states shall become parties hereto upon approval of this compact by legislative action within seven years from the date hereof, upon such conditions as may be agreed upon at the time.

(7) After becoming effective this compact shall thereafter continue without limitation of time provided, however, that it may be terminated at any time by unanimous action of the states and provided further that any state may withdraw from this compact if such withdrawal is approved by its legislature, such withdrawal to become effective two years after written notice thereof to the board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing state from its obligations hereunder accruing up to the effective date of such withdrawal. Any state so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the board or to any of the funds of the board held under the terms of this compact.

(8) If any state shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said state as authorized by and in compliance with the terms and provisions of this compact, all rights, privileges and benefits of such defaulting state, its members on the board and its citizens shall ipso facto be and become suspended from and after the date of such default. Unless such default shall be remedied and made good within a period of one year immediately following the date of such default this compact may be terminated with respect to such defaulting state by an affirmative vote of three-fourths of the members of the board (exclusive of the members representing the state in default), from and after which time such state shall cease to be a party to this compact and shall have no further claim to or ownership of any of the property held by or vested in the board or to any of the funds of the board held under the terms of this compact, but such termination shall in no manner release such defaulting state from any accrued obligation or

otherwise affect this compact or the rights, duties, privileges or obligations of the remaining states thereunder.

3. In witness whereof this compact has been approved and signed by governors of the several states, subject, to the approval of their respective legislatures in the manner hereinabove set out, as of the eighth day of February, 1948.**]**

[173.718. 1. The Missouri coordinating board for higher education is hereby designated to be the agency of the state of Missouri to administer the regional education program in cooperation with other southern states.

2. The defrayal of administrative cost of the regional education program, including payment of the annual membership fee assessed to the state of Missouri, shall be through general revenue appropriations to the Missouri coordinating board for higher education.**]**

[173.721. Sections 173.715, 173.718 and this section shall expire two years after the formation of the midwestern higher education compact as contained in sections 173.700 to 173.710 and upon proper notice being given to the member states of the compact established pursuant to section 173.715.**]**

[174.266. 1. The board of trustees of the Jasper County Junior College district and the board of trustees of the Missouri Western Junior College district shall make an orderly transfer of all the property of the junior college districts, including but not limited to land and capital improvements to the state of Missouri on July 1, 1977, except that, the junior college districts shall retire all bonds for capital improvements commenced before the effective date of this act by levying a tax within their respective districts as provided in sections 178.770 to 178.890, RSMo, combined with funds available from any other sources. After all bonded indebtedness has been retired, each junior college district shall cease to exist, and no levy shall be made for junior college purposes.

2. After July 1, 1977, the board of trustees of the Jasper County Junior College district and the board of trustees of the Missouri Western Junior College district shall have no duties other than those specified by sections 174.241, 174.261 and 174.266 and shall not exercise any powers previously held. After September 28, 1979, the members of the board of trustees of the Jasper County Junior College district and the members of the board of trustees of the Missouri Western Junior College district shall continue in office for the balance of their terms. Vacancies on said boards of trustees will be filled by appointment by the boards of regents of the respective colleges.**]**

[192.010. 1. The department of health and senior services shall have such duties and powers as are assigned by law. The department of health and senior services shall also have control and administration over the Missouri

rehabilitation center at Mt. Vernon as provided by law. The department of health and senior services shall also have such jurisdiction over the accounts of city and county tuberculosis hospitals as is imposed by law. The cancer commission of the state of Missouri is hereby assigned to the department of health and senior services.

2. This section shall terminate thirty days following the date notice is provided to the revisor of statutes that an agreement has been executed which transfers the Missouri rehabilitation center from the department of health and senior services to the board of curators of the University of Missouri.**]**

[192.120. The department of health and senior services is hereby authorized to provide for the teaching and training of children who are resident patients confined in the Missouri rehabilitation center at Mt. Vernon by employing certified teachers and instructors and purchasing equipment from any moneys appropriated for that purpose.**]**

[192.255. 1. All funds received by the state of Missouri from the federal government or from any other source which are granted for the purpose of purchasing prophylactic drugs for distribution to persons certified by a physician to be victims of rheumatic fever, and all money received by the department of health and senior services as proceeds from the sale of the drugs to the victims, shall be deposited in the state treasury to the credit of the "Medical Services Fund", which is hereby created.

2. All moneys credited to the medical services fund shall be appropriated by the general assembly only for the purchase of prophylactic drugs to be distributed to persons certified by a physician to be victims of rheumatic fever, for the distribution of the drugs and for the administration of the program.

3. The unexpended balance in medical services fund at the end of the biennium shall not be transferred to the general revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund of the state by the state treasurer.

4. The director of the department of health and senior services shall make and promulgate necessary rules and regulations for the administration of the funds appropriated pursuant to this section.**]**

[192.375. 1. There is hereby established within the department of health and senior services the "Missouri Senior Advocacy and Efficiency Commission". The commission shall consist of the following fifteen members, or their designees, who are residents of this state:

(1) The director of the department of health and senior services;

(2) Two members of the Missouri senate, appointed by the president pro tem of the senate;

(3) Two members of the Missouri house of representatives, appointed by the speaker of the house;

(4) A pharmacist licensed in the state of Missouri, recommended by the Missouri board of pharmacy and appointed by the governor;

(5) A representative of the Pharmaceutical Research and Manufacturers of America, appointed by the governor;

(6) One member of the Missouri silver-haired legislature, appointed by the governor;

(7) One member of the Missouri senior Rx commission, appointed by the governor;

(8) One representative from the assisted living community who currently serves on the personal independence commission, appointed by the governor;

(9) One representative of the Missouri area agency on aging, appointed by the governor;

(10) One member of the special health, psychological, and social needs of minority older individuals commission;

(11) One member of the governor's advisory council on aging, appointed by the governor;

(12) The lieutenant governor, who shall serve as chair of the commission; and

(13) One member from the Missouri council for in-home services, appointed by the governor. In making the initial appointment to the committee, the governor, president pro tem, and speaker shall stagger the terms of the appointees so that five members serve an initial term of one year, five members serve initial terms of two years and five members serve initial terms of three years. All members appointed thereafter shall serve three-year terms. All members shall be eligible for reappointment. Members of the commission shall be appointed by October 1, 2005. Members shall continue to serve until their successor is appointed and qualified. Any vacancy on the commission shall be filled in the same manner as the original appointment. The commission shall be dissolved on December 31, 2008.

2. Service on the commission shall be voluntary. Subject to appropriations, members of the commission shall receive with reasonable reimbursement for expenses actually incurred in the performance of the member's official duties for members who are not employees of the state of Missouri.

3. Subject to appropriations, the department of health and senior services shall provide administrative support and resources as is necessary for the effective operation of the commission.

4. Meetings shall be held at least every ninety days or at the call of the commission chair.

5. The senior advocacy and efficiency commission shall:

(1) Hold public hearings in accordance with chapter 536, RSMo, to gather information from any state agency, commission, or public entity on issues

pertaining to the quality and efficiency of all senior services offered by the state of Missouri;

(2) Analyze state statutes, commissions, and administrative rules regarding services offered by the state of Missouri for senior citizens and designate which programs provide effective and efficient support to seniors and the programs that lack quality;

(3) Establish a mechanism to educate the staff of the members of the Missouri general assembly to assist seniors, including but not limited to assisting seniors in applying for any and all prescription drug assistance offered under the federal Medicare Prescription Drug Modernization Act of 2003;

(4) Develop a plan that delays the need for the provisions of long-term care outside the residence of senior citizens and allows seniors to remain at home for as long as possible;

(5) Maintain a web site with detailed information regarding all programs and services offered by the state of Missouri which are available to seniors;

(6) Maintain a toll-free senior advocacy support telephone number which directs seniors to all services offered by the state of Missouri which are available to seniors;

(7) Submit an annual report on the activities of the commission to the director of the department of health and senior services, the members of the Missouri general assembly, and the governor by February 1, 2007, and every February first thereafter. Such report shall include, but not be limited to, the following:

(a) Efficiencies that can be realized by consolidation of senior services offered by Missouri;

(b) Effectiveness of all senior services, programs, and commissions offered by the state of Missouri;

(c) Information regarding the impact and effectiveness of prior recommendations, if any, that have been implemented; and

(d) Measurable data to identify the cost-effectiveness of the services, programs, and commissions evaluated.

6. Unless reauthorized, the provisions of this section shall sunset on December 31, 2008.**]**

[195.405. 1. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any listed chemical specified in subsection 2 of section 195.400 to a person in this state or who receives from a source outside of this state any chemical specified in subsection 2 of section 195.400 shall obtain a registration for such conduct from the department of health and senior services.

2. No registration shall be required of any manufacturer, wholesaler, retailer, or any pharmacist, pharmacy, physician, dentist, podiatrist, veterinarian or optometrist, who administers, dispenses or furnishes a substance listed in

subsection 2 of section 195.400 within the scope of his professional practice, or other person for the sale, transfer, furnishing, or receipt of any drug which contains any substance listed in subsection 2 of section 195.400 and which is lawfully sold, transferred or furnished over the counter without a prescription or by a prescription pursuant to the federal Food, Drug, or Cosmetic Act or regulations adopted thereunder.

3. No registration shall be required of any retailer for the sale, transfer, furnishing, or receipt of any product part of whose ingredients include a substance listed in subsection 2 of section 195.400 and which product is lawfully sold, transferred or furnished in the ordinary course of its business.

4. Applications for registration shall be filed in writing and signed by the applicant, and shall set forth the name of the applicant, the business in which the applicant is engaged, the business address of the applicant and a full description of any substance sold, transferred, or otherwise furnished or received.

5. The department of health and senior services upon public notice and hearing may promulgate rules and establish reasonable fees to be charged relating to the registration and control of the manufacture, distribution, and dispensing of listed chemicals under subsection 2 of section 195.400.

6. Registration granted pursuant to this section may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a registration renewal fee.

7. Selling, transferring, or otherwise furnishing or receiving any substance listed in subsection 2 of section 195.400 without a registration is a class D felony.**]**

[195.410. 1. No registration shall be issued under section 195.405 unless and until the applicant for such registration has furnished proof satisfactory to the department of health and senior services that:

(1) The applicant is of good moral character or, if the applicant is an association or corporation, that the managing officers are of good moral character; and

(2) The applicant is properly equipped as to land, building, and paraphernalia to carry on the business described in his application.

2. No registration shall be granted to any person who has within two years been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any misdemeanor offense or within seven years for any felony offense related to controlled substances or chemicals listed in subsection 2 of section 195.400.

3. The department of health and senior services shall register an applicant to manufacture, distribute, sell, transfer, or otherwise furnish listed chemicals unless it determines that the issuance of that registration would be inconsistent

with the public interest. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of controlled substances or chemicals listed in subsection 2 of section 195.400 into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

(3) Any convictions of an applicant under any federal or state laws relating to any controlled substance or chemicals listed in subsection 2 of section 195.400;

(4) Past experience in the manufacture or distribution of controlled substances or chemicals listed in subsection 2 of section 195.400 and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material information in any application filed under section 195.405; and

(6) Any other factors that the department of health and senior services determines to be relevant to and consistent with the public health and safety.

4. Registration does not entitle a registrant to manufacture and distribute chemicals listed in subsection 2 of section 195.400 other than those specified in the registrant's registration.

5. A registration to manufacture, distribute, sell, transfer, or otherwise furnish or dispense a controlled substance or chemical listed in subsection 2 of section 195.400 may be suspended or revoked by the department of health and senior services upon a finding that the registrant has:

(1) Furnished false or fraudulent material information in any application filed pursuant to sections 195.405 to 195.425;

(2) Been convicted of a felony under any state or federal law relating to any controlled substance or listed chemical;

(3) Had his federal authority to manufacture, distribute or dispense controlled substances or chemicals listed in sections 195.405 to 195.425 suspended or revoked; or

(4) Violated any federal controlled substances or chemicals statute or regulation, or any provision of sections 195.005 to 195.425 or regulation promulgated pursuant to sections 195.005 to 195.425.

6. The department of health and senior services may:

(1) Warn or censure a registrant;

(2) Limit a registration to particular listed chemicals;

(3) Limit revocation or suspension of a registration to a particular listed chemical with respect to which grounds for revocation or suspension exist;

(4) Restrict or limit a registration under such terms and conditions as the department of health and senior services considers appropriate for a period of five years;

(5) Suspend or revoke a registration for a period not to exceed five years; or

(6) Deny an application for registration. In any order of revocation, the department of health and senior services may provide that the registrant may not apply for a new registration for one to five years following the date of such order. Any stay order shall toll this time period.

7. The department of health and senior services shall promptly notify the Drug Enforcement Administration, United States Department of Justice or their successor agencies of all orders suspending or revoking registration and all forfeitures of controlled substances.

8. The department of health and senior services may suspend without an order to show cause any registration simultaneously with the institution of proceedings under subsection 5 of this section if the department of health and senior services finds that there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including review of such proceedings unless sooner withdrawn by the department of health and senior services, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.**]**

[195.415. All prescriptions, orders, and records, required by sections 195.400 to 195.425, and stocks of controlled substances and substances listed in subsection 2 of section 195.400 shall be open for examination and inspection to federal, state, county, and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to controlled substances and chemicals. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.**]**

[195.425. 1. The department of health and senior services shall, by regulation, waive the requirement for registration of certain manufacturers, wholesalers, retailers, or other persons if it finds it consistent with the public health and safety.

2. The department of health and senior services shall, by regulation, establish exemptions from the reporting requirements for the sales or transfers of substances listed in section 195.400 which are below quantity levels set by the department.**]**

[196.180. The chamber of commerce of the city of St. Louis is hereby authorized to appoint a board of flour inspectors for the city of St. Louis, for the purpose of inspecting flour designed for shipment, under such rules and regulations as it may see fit to establish, whose brands, between buyer and seller,

shall be evidence of the quality of the flour they represent, and which may have been subjected to said inspection.**]**

[196.725. It shall be unlawful for any person, firm or corporation to use in any way, in connection or association with the sale, or exposure for sale, or advertisement of any substance designed to be used as a substitute for butter, the word "butter", "creamery", or "dairy", except as otherwise required by the laws of this state; or the name or representation of any breed of dairy cattle, or any combination of such word, or words and representation, or any other words or symbols, or combination thereof, commonly used in the sale of butter.**]**

[196.730. Any person who violates any of the provisions of section 196.725 is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for a term of not less than sixty days nor more than one year, or by both such fine and imprisonment.**]**

[196.750. For the purpose of sections 196.750 to 196.810, every article, substitute or compound, other than that produced from pure milk, or cream from the same, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk, or cream from the same, is hereby declared to be "imitation butter".**]**

[196.755. 1. No person shall combine any animal fat or vegetable oil or other substance with butter, or combine therewith or with animal fat or vegetable oil or combination of the two, or with either one, any other substance or substances whatever, any annatto or compound of the same, or any other substance or substances, for the purpose or with the effect of imparting thereto a yellow color, or any shade of yellow, so that such substitute shall resemble yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or such substance or substances into any of the articles of which the same is composed; provided, nothing in said sections 196.750 to 196.810 shall be construed to prohibit the use of salt and harmless coloring matter for coloring the substitutes for butter manufactured for export or sale outside the state.

2. No person shall, by himself, his agents or employees, produce or manufacture any substance in imitation or semblance of natural butter, nor sell, nor keep for sale, nor offer for sale, any imitation butter made or manufactured, compounded or produced in violation of this section, whether such imitation butter shall be made or produced in this state or elsewhere.

3. This section shall not be construed to prohibit the manufacture and sale, under the regulations herein provided, of substances designed to be used as a substitute for butter, and not manufactured or colored as herein prohibited.**]**

[196.760. Every person who lawfully manufactures any substance designed to be used as a substitute for butter shall mark, by branding, stamping or stenciling upon the top and side of each tub, firkin, box or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced, in a clean and durable manner, in the English language, the words, "substitute for butter", in printed letters, in plain roman type, each of which shall not be less than one inch in length and one-half inch in width.**]**

[196.765. No person, by himself, or another, shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter, and no carrier shall knowingly receive the same for the purpose of forwarding or transporting, unless it shall be manufactured and marked as provided in section 196.760, and unless it be consigned by the carrier and receipted for by its true name; provided, that said sections 196.750 to 196.810 shall not apply to any goods in transit between foreign states across the state of Missouri.**]**

[196.770. No person shall mix oleomargarine, suine, butterine, beef fat, lard or other foreign substance with any butter or cheese intended for human food without distinctly marking or stamping or labeling the article or package containing the same with the true and appropriate name of such article, and the percentage in which such oleomargarine or other such substance enters into its composition. Every person offering for sale must inform the purchaser of contents and makeup of article. Whoever shall violate the provisions of this section shall be punished as provided for by section 196.790.**]**

[196.775. No person, firm or corporation, agent or employee shall sell, offer or expose for sale, or deliver to any purchaser, any boiled, process or renovated butter, unless the words "renovated butter" shall be plainly branded in bold face letters, at least three-fourths of an inch in length, on the top and side of each tub, or box or pail, or other kind of case or package, or on the wrapper or prints or rolls of bulk packages in which it is put up. If such butter is exposed for sale uncovered or not in a case or package, a placard containing a label so printed shall be attached to the mass of butter in such a manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language and in a conspicuous place, so as to be easily read by the purchaser. Whoever shall violate the provisions of this section shall be punished as provided for by section 196.790.**]**

[196.780. No person shall have in his possession or under his control, any substance designed to be used as a substitute for butter, unless the tub, firkin, box or other package containing the same be clearly and durably marked, as provided by section 196.765; provided, that this section shall not be deemed to apply to

persons who have the same in their possession for the actual consumption of themselves and family. Every person having in possession or control any substance designed to be used as a substitute for butter, which is not marked as required by the provisions of sections 196.750 to 196.810, shall be presumed to have known, during the time of such possession or control, the true character and name, as fixed by said sections of such product.**]**

[196.785. No person, by himself or another, shall sell or offer for sale any substance designed to be used for a substitute for butter under the name of or under the pretense that the same is butter.**]**

[196.790. Every person, firm or corporation who shall violate any of the provisions of sections 196.755 to 196.765, 196.780 and 196.785, shall forfeit and pay to the state of Missouri, for the use of the school fund for every such violation, the sum of fifty dollars and costs of suit, to be recovered by civil action in the name of the state of Missouri on the relation of any person having knowledge of the facts before an associate circuit judge, or circuit judge assigned to hear the cause, of the city or county where such violation occurs, subject to the right of an application for trial de novo or appeal, as the case may be, as in other civil cases; and it is further enacted that every person, firm or corporation who shall violate the provisions of sections 196.750 to 196.810, in addition to the civil liability to the state of Missouri herein provided, shall be deemed guilty of a misdemeanor, and shall for the first offense be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment not exceeding thirty days, and for each subsequent offense, by a fine of not less than two hundred and fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.**]**

[196.795. A certificate of an analysis of any dairy product or adulteration imitation thereof, when duly signed by a professor of chemistry connected with any of the departments of the state university or experiment station, shall, when acknowledged before any person authorized to administer an oath, be received in the courts of this state as prima facie evidence of the facts stated therein, in all civil actions, as provided for in section 196.790.**]**

[196.800. No action can be maintained on account of any sale or other contract made in violation of or with intent to violate sections 196.750 to 196.810, by or through any person who was knowingly a party to such wrongful sale or other contract.**]**

[196.805. Whoever shall efface, erase, cancel or remove any mark provided for by sections 196.750 to 196.810, with intent to mislead, deceive, or

to violate any of the provisions of said sections, shall be deemed guilty of a misdemeanor.**]**

[196.810. The state department of agriculture shall be and is hereby charged with the enforcement of sections 196.750 to 196.810. Actions under said sections shall be brought in any court of competent jurisdiction.**]**

[197.314. 1. The provisions of sections 197.300 to 197.366 shall not apply to any sixty-bed stand-alone facility designed and operated exclusively for the care of residents with Alzheimer's disease or dementia and located in a tax increment financing district established prior to 1990 within any county of the first classification with a charter form of government containing a city with a population of over three hundred fifty thousand and which district also has within its boundaries a skilled nursing facility.

2. The provisions of sections 197.300 to 197.366 shall not apply, as hereinafter stated, to a skilled nursing facility that is owned or operated by a not-for-profit corporation which was created by a special act of the Missouri general assembly, is exempt from federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, is owned by a religious organization and is to be operated as part of a continuing care retirement community offering independent living, residential care and skilled care. This exemption shall authorize no more than twenty additional skilled nursing beds at each of two facilities which do not have any skilled nursing beds as of January 1, 1999.**]**

[197.317. 1. After July 1, 1983, no certificate of need shall be issued for the following:

(1) Additional residential care facility, assisted living facility, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), excepting those which are not subject to a certificate of need pursuant to paragraphs (e) and (g) of subdivision (10) of section 197.305; nor

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed pursuant to this chapter or a nursing care facility licensed pursuant to chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the reallocation of existing residential care facility or assisted living facility, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after January 1,

2003, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds, provided that no construction shall begin prior to January 1, 2004. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section.

2. The health facilities review committee shall utilize demographic data from the office of social and economic data analysis, or its successor organization, at the University of Missouri as their source of information in considering applications for new institutional long-term care facilities.**]**

[198.600. 1. The department of health and senior services shall establish a "Uniform Data Management Pilot Program" at a minimum of fifty selected facilities of varying licensure or classification throughout the state to improve patient care and retention of nursing facility staff. The department shall determine the nature and extent of the pilot program and provide all necessary resources.

2. The pilot program shall be implemented no later than six months after funding for the pilot program is made available.

3. The pilot program shall:

(1) Encourage the utilization of existing or the purchase of new software in an effort to modernize the procedures for compiling and disseminating data for long-term care facilities;

(2) Enable physicians, licensed nurses, and facility personnel to devote more quality time to patient care; and

(3) Be established in selected urban, rural, and regional sites throughout the state.

4. The department of health and senior services shall monitor the pilot program and report to the general assembly by January first next following the implementation of the pilot program pursuant to this section on the effectiveness of such program, including quality of care, employee satisfaction, and cost-effectiveness.**]**

[207.023. The division of family services within the department of social services, with input from the Missouri community service commission created in sections 26.600 to 26.614, RSMo, shall promulgate rules providing standards and procedures for community service participation by persons receiving services from the division of family services. In order to be eligible to receive services from the division of family services, a person shall satisfy the requirements of the rules promulgated under this section regarding community service participation.**]**

[207.040. The director of the division shall devote his entire time to his official duties and shall receive an annual salary of nineteen thousand dollars. It

shall be his duty to investigate personally the conduct of the various bureaus of the division of family services, and to give executive control to the administration of the work of the division in this state.**]**

[207.050. In every county there may be established a county family services commission to consist of four persons, two from each of the two major political parties, to be selected by the director of social services from a list submitted to the director of the department of social services by the county commission, consisting of double the number of appointments to be made. Each member of the county family services commission shall serve for a term of four years. Vacancies shall be filled in the same way in which the original appointment was made. The duties of the county family services commission shall be advisory in nature with the power to examine the records of any case pending within their county and to make recommendations thereon. They shall serve without compensation, but shall be paid their traveling expenses and other necessary expense in the performance of their duty. No elective officer shall be appointed as a member of the county family services commission, and upon becoming a candidate for any elective office, such member of the county family services commission shall forthwith forfeit his or her position on the commission. Duties imposed by this law upon the several county commissions shall be performed in the city of St. Louis by the board of estimate and apportionment.**]**

[207.055. 1. Within thirty days after August 13, 1972, the county commission of each county may appoint two additional members of the county family services commission, and such members shall be in addition to those members required by the provisions of section 207.050. Such members shall be residents of the county, one from each of the two major political parties and shall have been actual welfare recipients, and shall be appointed for terms of two years. If at any time these members remove their residence from the county, their office shall be vacant and another person shall be appointed for the remainder of their term.

2. The members appointed pursuant to the provisions of this section shall have the same rights, powers, duties and responsibilities as the other members of the commission, and all references of any kind to the county family services commission shall be to the commission as composed of six members instead of four.**]**

[208.344. 1. By December 1, 2002, and annually thereafter, the division of family services shall submit a report to the governor, the president pro tempore of the senate, and the speaker of the house of representatives regarding the progress of welfare reform in Missouri. The report shall include, but not be limited to, current statistics and recommendations regarding:

(1) Individuals who have successfully left welfare and employment of such individuals;

(2) Individuals who remain on or have returned to welfare; and

(3) Benefits of welfare reform realized by families, employers, and the state.

2. The provisions of this section shall expire on December 31, 2007.**]**

[208.978. 1. The MO HealthNet oversight committee shall develop and report upon recommendations to be delivered to the governor and general assembly relating to the expenditure of funds appropriated to the health care technology fund established under section 208.975.

2. Recommendations from the committee shall include an analysis and review, including but not limited to the following:

(1) Reviewing the current status of health care information technology adoption by the health care delivery system in Missouri;

(2) Addressing the potential technical, scientific, economic, security, privacy, and other issues related to the adoption of interoperable health care information technology in Missouri;

(3) Evaluating the cost of using interoperable health care information technology by the health care delivery system in Missouri;

(4) Identifying private resources and public/private partnerships to fund efforts to adopt interoperable health care information technology;

(5) Exploring the use of telemedicine as a vehicle to improve health care access to Missourians;

(6) Identifying methods and requirements for ensuring that not less than ten percent of appropriations within a single fiscal year shall be directed toward the purpose of expanding and developing minority-owned businesses that deliver technological enhancements to health care delivery systems and networks;

(7) Developing requirements to be recommended to the general assembly that ensure not more than twenty-five percent of appropriations from the health care technology fund in any fiscal year shall be contractually awarded to a single entity;

(8) Developing requirements to be recommended to the general assembly that ensure the number of contractual awards provided from the health care technology fund shall not be fewer than the number of congressional districts within Missouri; and

(9) Recommending best practices or policies for state government and private entities to promote the adoption of interoperable health care information technology by the Missouri health care delivery system.

3. The committee shall make and report its recommendations to the governor and general assembly on or before January 1, 2008.

4. This section shall expire on April 15, 2008.**]**

[210.002. 1. The department of social services, the department of health and senior services, the department of mental health, the department of elementary and secondary education, the division of youth services, and the division of family services shall cooperate with the children's service commission to prepare a detailed, comprehensive "Year 2000 Plan" to provide the preventive services described in subsection 2 of this section.

2. The "Year 2000 Plan" shall provide recommendations for the development and implementation of coordinated social and health services which:

(1) Identify early problems experienced by children and their families and the services which are adequate in availability, appropriate to the situation, and effective;

(2) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;

(3) Serve children and families in their own homes thus preventing unnecessary out-of-home placement or institutionalization;

(4) Focus resources on social and health problems as they begin to manifest themselves rather than waiting for chronic and severe patterns of illness, criminality, and dependency to develop which require long-term treatment, maintenance, or custody;

(5) Reduce duplication of and gaps in service delivery;

(6) Improve planning, budgeting, and communication among these state agencies serving children and families; and

(7) Develop outcome standards for measuring the effectiveness of social and health services for children and families.

3. Each such department or division shall cooperate with the commission to develop a specific plan which shall be made available to the governor and the members of the general assembly by December 1, 1988.**]**

[210.111. By January 1, 2005, the children's division shall identify all children in the custody of the division currently receiving foster care services and shall report to the general assembly the type of foster care being provided, including but not limited to care provided in a licensed foster care home, institutional setting, residential setting, independent living setting, or kinship care setting, and the status of all such children. Nothing in this section shall be construed as requiring the division to disclose the identity or precise location of any child in the custody of the division.**]**

[210.292. 1. Any city not within a county, which has a population of six hundred thousand inhabitants or over, and any county of the first class authorized by law to provide, and which does provide, foster care to homeless, dependent

or neglected children shall receive from the state one hundred percent of the net cost thereof.

2. The "foster care" provided for by sections 210.292 to 210.298 shall be care of homeless, dependent or neglected children when the foster facilities are selected by the local agency or division of family services and the placement of children therein is lawfully authorized; the "care" shall include room, board, clothing, medical care, dental care, social services and incidentals.**]**

[211.013. The office of state courts administrator shall conduct a study and report to the general assembly by June 30, 2009, on the impact of changing the definition of child, as used in section 211.031, to include any person over seventeen years of age but not yet eighteen years of age alleged to have committed a status offense as defined in subdivision (2) of subsection 1 of section 211.031. The report shall contain information regarding the impact on caseloads of juvenile officers, including the average increase in caseload per juvenile officer for each judicial circuit, and the number of children affected by the change in definition.**]**

[211.015. 1. For the purpose of promoting and improving the social, emotional, and educational welfare of pupils under the jurisdiction of the juvenile court or family court under subdivisions (1), (2), or (5) of subsection 211.031, the department of elementary and secondary education shall, in conjunction with the department of social services, conduct a study to determine the means of ensuring that such children's educational needs are met in terms of setting and amount, and submit a report on the study to the governor and Missouri general assembly on or before November 1, 2007.

2. The report shall include, but not be limited to, the following:

(1) Recommendations relating to detailed procedures and timetables to determine the appropriate amount of hours in a school day for the specific child;

(2) Recommendations on determining the appropriateness of the education for such children described under this section who do not have individualized education programs or are without a pending referral for special education services; and

(3) Recommendations for determining the responsibility, financial or otherwise, among either the local school district and child-placing agency or both as to the proper and timely placement of such children in an appropriate educational setting.**]**

[215.050. 1. The commission shall establish a fund to be known as the "Housing Development Fund". There shall be paid into the housing development fund:

(1) Any moneys appropriated and made available to the commission to carry out the purposes of this fund;

(2) Any moneys which the commission receives in repayment of advances or loans made from the fund; and

(3) Any other moneys which may be made available to the commission for the purpose of such fund from any other source or sources.

2. Moneys held in the housing development fund may be used to make noninterest-bearing advances to nonprofit corporations to defray development costs of constructing or rehabilitating residential housing if such housing complies with the standards set by the commission under sections 215.010 to 215.250. No noninterest-bearing advances may be made unless the commission may reasonably anticipate that permanent financing of the residential housing may be obtained.

3. Each advance shall be repaid in full concurrent with the receipt by the nonprofit corporation of the proceeds of the permanent financing or of the construction loan, unless the commission shall extend the period for the repayment of such advance, provided that no such extension shall be granted beyond the date of final payment under the permanent financing.

4. If the commission shall determine at any time that permanent financing may not be obtained, the advance shall become immediately due and payable and shall be paid from any assets of the residential housing project.**]**

[215.340. Sections 215.340 to 215.349 shall be known as the "Workfare Renovation Project". Subject to participation by qualifying cities, the Missouri housing development commission shall establish a two-year pilot project in each of the two cities defined in section 215.345 which shall provide for the renovation of property in the urban core of the city for subsequent purchase pursuant to the provisions of sections 215.340 to 215.349.**]**

[215.345. As used in sections 215.340 to 215.349, the following terms mean:

(1) "Agency", the participating city's administering agency of the workfare renovation project;

(2) "City", any city not within a county or any city with at least three hundred fifty thousand inhabitants which is located in more than one county;

(3) "Commission", the state housing development commission authorized pursuant to sections 215.010 to 215.250;

(4) "Federal poverty level", the first poverty income guidelines published in the calendar year by the United States Department of Health and Human Services;

(5) "Low income", a household income which does not exceed two hundred percent of the federal poverty level;

(6) "Project", the renovation of one or more properties on the urban core of the city which have been determined to be of substandard quality or condition and the subsequent sale of such property following renovation;

(7) "Renovate" or "renovation", the reconstruction, remodeling, repairing, weatherizing, installation of energy conservation measures or devices, and similar work necessary to make urban core city property safe, sanitary and decent, and make such property meet the minimum building code requirements and occupancy requirements of a city, as the term city is defined in this section.**]**

[215.347. 1. The workfare renovation project shall have the following goals:

(1) To assist low-income individuals in learning a trade by providing them with an opportunity to participate in the renovation of urban core property; and

(2) To create tax-producing property for the participating cities out of existing urban core city property.

2. The governing body of any city defined in section 215.345, by enacting the appropriate ordinances, may participate in the workfare renovation project by donating existing inner-city property to the project, submitting a plan for renovation in the city to the commission and establishing an agency to administer the project in such city pursuant to any authority delegated to such agency by the commission. In any city not within a county or any city with at least three hundred fifty thousand inhabitants which is located in more than one county, the Missouri housing development commission using available state resources shall assign, either directly or through contract, staff to oversee each respective city's project. In any city not within a county, such staff shall annually report the progress of the project to the mayor and the board of aldermen.

3. The commission may:

(1) Receive, hold and convey title to real estate on the workfare renovation project carried out by the participating city and receive and use for the purposes described in sections 215.340 to 215.355 any grants or loans made by the commission pursuant to section 215.035 or section 215.050;

(2) Approve all proposed inner-city property for renovation;

(3) Approve the workers who will perform the renovation and reconstruction work. The workers, to be selected from the local labor force, shall be capable of performing the work for which they will be hired, and shall be, as far as practicable, persons who are classified as low income or receiving public assistance and who are indigenous to the areas which are selected for renovation activity;

(4) Contract and be contracted with;

(5) Seek such legal and other professional and staff assistance deemed necessary to carry out the purposes of sections 215.340 to 215.355;

(6) Sell the properties renovated, but such sales shall be subject to the following requirements:

(a) Each property shall be sold only to a person who will be the actual owner of record of the property and will actually occupy the property for a period of not less than five years; and

(b) Each property shall be sold at a price which will allow the commission to recover all costs incurred by it in renovating and selling such property, including, but not limited to, the labor, materials and other renovation expenses;

(7) Do all other things necessary to implement and administer the residential renovation program authorized by sections 215.340 to 215.355, including administering a revolving fund for continued funding and operations of the program, and submitting an annual report on expenditures made in the previous fiscal year by December first, beginning in 1999, to the state auditor, the speaker of the house and the president pro tem of the senate;

(8) Utilize all appropriate tax credit and wage diversion programs offered through state departments to assist low-income residents of this state in becoming self-sufficient through the workfare renovation project.

4. No rule or portion of a rule promulgated pursuant to the authority of sections 215.340 to 215.355 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**]**

[215.349. Properties selected for renovation pursuant to the provisions of sections 215.340 to 215.349 shall be located in those areas of the urban core of the city which are in the greatest need of neighborhood rehabilitation. Each administering agency shall make a plan or plans to carry out the purposes of this section and such plans shall be available to the public. In making the plan or plans required by this section, each agency shall hold public hearings at reasonable times and places from which to obtain community input in order to assess the impact of any proposed plan on any neighborhood involved and to assist them in determining which neighborhood or neighborhoods shall be given the highest priority. The factors which the agency may consider, among all other relevant considerations, are:

(1) The number of properties owned by the city in a neighborhood which could be renovated; and

(2) The prior commitment of private developers to the area selected or adjacent areas for purposes of assuring that purchasers of such property can obtain financing and insurance.**]**

[215.351. State and federal funds appropriated to the department of economic development and the department of social services for job training shall be used to train eligible individuals participating in the workfare renovation project pursuant to sections 215.340 to 215.355.**]**

[215.353. The Missouri housing development commission shall, to the extent possible and in conjunction with the participating cities, select properties for renovation pursuant to the workfare renovation project established in sections 215.340 to 215.355 so that diverse socioeconomic backgrounds and circumstances are reflected in the renovated neighborhoods and communities.**]**

[215.355. The department of social services, the participating cities and the Missouri housing development commission shall consult and collaborate on issues involving funding and implementation of the workfare renovation project established in sections 215.340 to 215.355 to help ensure the success of the pilot project sites in meeting the objectives of the workfare renovation project.**]**

[217.860. 1. There is hereby created within the department of corrections a "Task Force on Alternative Sentencing". The primary duty of the task force is to develop a statewide plan for alternative sentencing programs. The plan shall include, but not be limited to, the following:

(1) Public-private partnerships;

(2) Job training;

(3) Job placement;

(4) Conflict resolution treatment; and

(5) Alcohol and drug rehabilitation.

2. In developing this statewide plan the task force shall at a minimum acquire and review the following information:

(1) The cost per year to incarcerate one offender;

(2) The cost of the proposed alternative sentencing program or programs per year;

(3) The recidivism rate for different types of offenses; and

(4) Information and research to assist the task force in determining which classes of offenders should be targeted in alternative sentencing programs.

3. The task force created in this section shall be comprised of the following members or their designees from the entity represented:

(1) The director;

(2) The director of the division of probation and parole;

(3) Two probation and parole officers or supervisors, who shall be appointed by the director of the division of probation and parole;

(4) One member of the department of economic development's workforce development office who shall be appointed by the director of the department of economic development;

(5) Two circuit or associate circuit judges who shall be appointed by the governor;

(6) Two chief executive officers of two different private businesses that employ a minimum of twenty employees each who shall be appointed by the governor;

(7) Two prosecuting attorneys who shall be appointed by the governor;

(8) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house and one of whom shall be appointed by the house minority leader; and

(9) Two members of the senate, one of whom shall be appointed by the president pro tem of the senate and one of whom shall be appointed by the senate minority leader.

4. The task force shall meet at least quarterly and shall submit its recommendations and statewide plan for an alternative sentencing program or programs to the governor, to the general assembly, and to the director by December 31, 2006.

5. Members of the task force shall receive no additional compensation but shall be eligible for reimbursement for mileage directly related to the performance of task force duties.

6. The provisions of this section terminate on May 31, 2007.**]**

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

[237.200. If the master or commander of any steamboat shall land at the platform or known landing place of any public ferry, and shall intentionally obstruct the passage of any ferryboat, or moor or unload against, over or upon the same, without the consent of the owner of such ferry, such master or owner of such steamboat shall forfeit and pay to the legal possessor of such ferry landing fifty dollars for each offense, to be recovered by civil action before an associate circuit judge, and shall be liable to an action for damages, to be recovered before any court having competent jurisdiction.**]**

[253.375. 1. As a necessary adjunct to the operation and maintenance of this memorial and historic site, as herein provided, there is hereby created a state advisory commission, to be known as "The Thomas Hart Benton Homestead Memorial Commission", to consist of twenty members, ten members to be appointed by the director of the department of natural resources, five members to be appointed by the president pro tem of the senate and five members to be

appointed by the speaker of the house. The appointees shall be selected from outstanding individuals, not restricted to citizens of the state, well-known for their interest in and knowledge of Thomas Hart Benton, his life and his work, and in addition thereto, the director of the department of natural resources, the chairman of the Missouri advisory council on historic preservation, which advisory commission, upon original appointment, is hereby empowered to organize itself and to elect its own officers for such term or terms as the commission shall from time to time determine. Any vacancy on the advisory commission shall be filled by the same official who appointed the person who left the commission thus creating such vacancy.

2. The commission shall be advisory to the division of state parks and recreation of the department of natural resources on all policy and administrative matters pertaining to planning, operation and maintenance, including museum activities, the employment of curators, staff employees or other persons, as may be needed.

3. The members of the commission shall not receive any compensation for their services, but shall be reimbursed for their actual and necessary expenses, excluding travel expenses, incurred within the state of Missouri in the performance of their duties.

4. The commission is empowered, in behalf of the state, to accept gifts, contributions, bequests of unrestricted funds, from individuals, foundations, corporations and other organizations or institutions for the furtherance of the objectives and purposes of this memorial.

5. The commission may request from any department, division, board, bureau, council, commission or other agency of this state such assistance and data as will enable it to properly carry out its powers and duties hereunder; and the director of the department of natural resources shall make provision for the staffing and servicing of the commission, and providing the necessary funding to carry out its duties, from funds appropriated or otherwise available to that department.**]**

[253.406. To initially establish this fund, the general assembly shall appropriate one million dollars to the historic preservation revolving fund. The initial appropriated amount shall not be construed to limit in any way the future balance of money in the fund.**]**

[260.481. 1. Any fourth class city in any first class county with a charter form of government adjoining a city not within a county, which has contracted with the state of Missouri or the federal government, or both, for the acquisition of all real property by any federal or state agency because of the release of a hazardous substance that endangers the public health and welfare of such city and has resulted in a public calamity, and where a city ordinance effecting disincorporation has been submitted to the governor by the mayor of the city

requesting disincorporation, shall be disincorporated upon the issuance of a governor's executive order approving such disincorporation. Notice of such disincorporation shall be submitted to the secretary of state and the county commission of the county within which such city lies.

2. Upon the issuance of the executive order as required in subsection 1 of this section, the governor shall appoint a person to act as trustee for the city so disincorporated and shall appoint legal counsel to assist such trustee as necessary. Before entering upon the discharge of his duties, the trustee shall take and subscribe on oath that he will faithfully discharge the duties of his office. The trustee shall be empowered to condemn property as required, to take title to property as it is acquired, to take over all records of the city and to exercise other duties as specified in section 79.520, RSMo, except that the trustee shall not be empowered to institute suits in behalf of the city without the express authorization of the governor.

3. When the trustee shall have closed the affairs of the city, and shall have paid all debts due by the city, he shall, at the request of the governor, pay over to the state treasurer all money remaining in his hands and deliver to the agency designated by the governor all books, papers, records and deeds to acquired real property belonging to the disincorporated city.

4. Any expenditures incurred under this section will be paid first from excess city funds and then from the Missouri hazardous waste fund under section 260.391.**]**

[263.210. It shall be the duty of any person who shall ship or cause to be shipped into this state any fruit trees, queensware or other property of any kind or description packed in or with straw or grass of any kind, to burn said straw or grass at the time of unpacking the same, and if any such person shall not so destroy such grass or straw, he shall be deemed guilty of a misdemeanor.**]**

[278.010. 1. In order to cooperate with the federal government in bringing to the farm people of Missouri the full benefits of an act by the Congress of the United States, approved February 29, 1936, and generally known as "The Soil Conservation and Domestic Allotment Act" (16 U.S.C.A. § 590h) the policy and purposes of which are set forth in section 7(a) of the act as follows:

(1) Preservation and improvement of soil fertility;

(2) Promotion of the economic use and conservation of land;

(3) Diminution of exploitation and wasteful and unscientific use of national soil resources;

(4) The protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control; and

(5) Reestablishment, at as rapid a rate as the secretary of agriculture determines to be practicable and in the general public interest, of the ratio

between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five year period, August, 1909--July, 1914, inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio.

2. The state of Missouri through its legislature hereby accepts the provisions and requirements of said act.**]**

[278.020. The curators of the University of Missouri, herein referred to as the curators, acting by and through the agricultural extension service by it carried on in connection with the college of agriculture of the university of Missouri, are hereby designated as the agency of the state of Missouri to administer any plans authorized by this federal act which shall be approved by the Secretary of Agriculture of the United States, herein referred to as the Secretary of Agriculture, for the state of Missouri pursuant to provisions of said Soil Conservation and Domestic Allotment Act.**]**

[278.030. 1. The curators are hereby authorized, empowered and directed to formulate and submit to the Secretary of Agriculture in conformity with the provisions of said soil conservation and domestic allotment act, a state plan for each calendar year, beginning not later than for the calendar year 1938. It shall be the purpose of each such plan to promote such utilization of and such farming practices as the curators find will tend, in conjunction with the operation of such other plans as may be approved for other states by the Secretary of Agriculture, to preserve and improve soil fertility, promote the economic use of land, diminish the exploitation and wasteful and unscientific use of national soil resources, and reestablish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms as defined in subsection (a), of section 7 of said Soil Conservation and Domestic Allotment Act.

2. Each such plan shall provide for adjustments in the utilization of land and in farming practices, through agreements with producers or through other voluntary methods, and for benefit payments in connection therewith, and also for such methods of administration not in conflict with any law of this state and such reports as the Secretary of Agriculture finds necessary for the effective administration of the plan and for ascertaining whether the plan is being carried out according to its terms.**]**

[278.040. Upon the acceptance of each such plan by the Secretary of Agriculture, the curators, through its treasurer are authorized and empowered to receive all grants of money made pursuant to said Soil Conservation and Domestic Allotment Act for the purpose of enabling the state to carry out the provisions of such plan, and all such funds, together with any moneys which may be appropriated by the state for such purpose, shall be available to the curators

for expenditures necessary in carrying out the plan, including administrative expenses, expenditures in connection with educational programs in aid of the plan, and benefit payments.**]**

[278.050. In carrying out the provisions of each such plan, the curators shall have power to employ such agent or agencies and to establish such agencies, as it may find to be necessary; to cooperate with local and state agencies, and with agencies of other states and of the federal government; to provide for the conducting of research and to conduct educational activities in connection with the formulation and operation of such plan; to enter into agreements with the producers and to provide by other voluntary methods, for adjustments in the utilization of land and in farming practices, and for payments in connection therewith in amounts which the curators determine to be fair and reasonable.**]**

[301.273. 1. There is hereby created a "Missouri Highway Reciprocity Commission" to be composed of the governor, the attorney general, the director of the division of motor carrier and railroad safety in the department of economic development, the director of revenue, the superintendent of the Missouri state highway patrol and the director of the department of transportation, and any member may designate a qualified employee to act for and in the member's stead on the commission. The designation shall be made in writing filed with the commission and may be revoked at any time by the designating official. The commission shall elect from its members a chairperson and such other officers as it deems necessary, fix its times and places of meeting and determine its own procedure. The commission is hereby authorized to appoint a secretary, who shall have charge of the office of the commission and shall be the custodian of the records of the commission, and such other employees as shall be necessary to properly perform the duties of the commission and shall fix the compensation of such secretary and other employees within the amount appropriated by the general assembly.

2. The commission shall keep written records of the minutes of all meetings which shall be kept, together with copies of all agreements entered into and rules and regulations promulgated by the commission, in the office of the secretary of the commission. Such records shall be public records of the state of Missouri and shall be open to public inspection. All rules and regulations promulgated by the commission shall be filed in the office of the secretary of state and shall take effect and become operative not sooner than ten days after they are so filed.**]**

[301.3112. 1. Any person may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight, after an annual

contribution of an emblem-use authorization fee to the Friends of the Missouri Women's Council. Any contribution given pursuant to this section shall be designated for breast cancer services only. The Friends of the Missouri Women's Council hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Friends of the Missouri Women's Council derived from this section, except reasonable administrative costs, shall be used solely for the purpose of providing breast cancer services. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Friends of the Missouri Women's Council, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Friends of the Missouri Women's Council and shall bear the words "BREAST CANCER AWARENESS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Friends of the Missouri Women's Council emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Friends of the Missouri Women's Council emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**]**

[303.400. The provisions of sections 303.400 to 303.415 shall be known as the "Motorist Insurance Identification Database Act".**]**

[303.403. As used in sections 303.400 to 303.415, the following terms mean:

(1) "Database", the motorist insurance identification database;

(2) "Department", the department of revenue;

(3) "Designated agent", the party with which the department contracts to implement the motorist insurance identification database;

(4) "Program", the motorist insurance identification database program.**]**

[303.406. 1. The "Motorist Insurance Identification Database" is hereby created for the purpose of establishing a database to use to verify compliance with the motor vehicle financial responsibility requirements of this chapter. The program shall be administered by the department and shall receive funding from the "Motorist Insurance Identification Database Fund", which is hereby created in the state treasury. Effective July 1, 2002, the state treasurer shall credit to and deposit in the motorist insurance identification database fund six percent of the net general revenue portion received from collections of the insurance premiums tax levied and collected pursuant to sections 148.310 to 148.461, RSMo.

2. To implement the program, the department may by July 1, 2002, contract with a designated agent which shall monitor compliance with the motor vehicle financial responsibility requirements of this chapter, except that the program shall not be implemented to notify owners of registered motor vehicles until the department certifies that the accuracy rate of the program exceeds ninety-five percent in correctly identifying owners of registered motor vehicles as having maintained or failed to maintain financial responsibility. After the department has entered into a contract with a designated agent, the department shall convene a working group for the purpose of facilitating the implementation of the program.

3. The designated agent, using its own computer network, shall, no later than December 31, 2002, develop, deliver and maintain a computer database with information provided by:

(1) Insurers, pursuant to sections 303.400 to 303.415; except that, any person who qualifies as self-insured pursuant to this chapter, or provides proof of insurance to the director pursuant to the provisions of section 303.160, shall not be required to provide information to the designated agent, but the state shall supply these records to the designated agent for inclusion in the database; and

(2) The department, which shall provide the designated agent with the name, date of birth and address of all persons in its computer database, and the make, year and vehicle identification number of all registered motor vehicles.

4. The department shall establish guidelines for the designated agent's development of the computer database so the database can be easily accessed by state and local law enforcement agencies within procedures already established, and shall not require additional computer keystrokes or other additional procedures by dispatch or law enforcement personnel. Once the database is operational, the designated agent shall, at least monthly, update the database with information provided by insurers and the department, and compare then-current motor vehicle registrations against the database.

5. Information provided to the designated agent by insurers and the department for inclusion in the database established pursuant to this section is the property of the insurer or the department, as the case may be, and is not subject to disclosure pursuant to chapter 610, RSMo. Such information may not be disclosed except as follows:

(1) The designated agent shall verify a person's insurance coverage upon request by any state or local government agency investigating, litigating or enforcing such person's compliance with the motor vehicle financial responsibility requirements of this chapter;

(2) The department shall disclose whether an individual is maintaining the required insurance coverage upon request of the following individuals and agencies only:

(a) The individual;

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

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

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

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

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

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

6. Any person or agency who knowingly discloses information from the database for any purpose, or to a person, other than those authorized in this section is guilty of a class A misdemeanor. The state shall not be liable to any person for gathering, managing or using information in the database pursuant to this section. The designated agent shall not be liable to any person for performing its duties pursuant to this section unless and to the extent such agent commits a willful and wanton act or omission or is negligent. The designated agent shall be liable to any insurer damaged by the designated agent's negligent failure to protect the confidentiality of the information and data disclosed by the insurer to the designated agent. The designated agent shall provide to this state an errors and omissions insurance policy covering such agent in an appropriate amount. No insurer shall be liable to any person for performing its duties pursuant to this section unless and to the extent the insurer commits a willful and wanton act of omission.

7. The department shall review the operation and performance of the motorist insurance identification database program to determine whether the number of uninsured motorists has declined during the first three years following implementation and shall submit a report of its findings to the general assembly no later than January fifteenth of the year following the third complete year of

implementation. The department shall make copies of its report available to each member of the general assembly.

8. This section shall not supersede other actions or penalties that may be taken or imposed for violation of the motor vehicle financial responsibility requirements of this chapter.

9. The working group as provided for in subsection 2 of this section shall consist of representatives from the insurance industry, department of insurance, financial institutions and professional registration, department of public safety and the department of revenue. The director of revenue, after consultation with the working group, shall promulgate any rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**]**

[303.409. 1. If the motorist insurance identification database indicates the owner of a registered motor vehicle has, regardless of the owner's operation of such motor vehicle, failed to maintain the financial responsibility required in section 303.025 for two consecutive months, the designated agent shall on behalf of the director inform the owner that the director will suspend the owner's vehicle registration if the owner does not present proof of insurance as prescribed by the director within thirty days from the date of mailing. The designated agent shall not select owners of fleet or rental vehicles or vehicles that are insured pursuant to a commercial line policy for notification to determine motor vehicle liability coverage. The director may prescribe rules and regulations necessary for the implementation of this subsection. The notice issued to the vehicle owner by the designated agent shall be sent to the last known address shown on the department's records. The notice is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing and the date by which that request for a hearing must be made. The suspension shall become effective thirty days after the subject person is deemed to have received the notice of suspension by first class mail as provided in section 303.041. If the request for a hearing is received prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing; however, any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension during the period of delay.

2. Neither the fact that, subsequent to the date of verification, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle shall have any bearing upon the director's decision to suspend. The suspension shall remain in force until termination despite the renewal of registration or acquisition of a new registration

for the motor vehicle. The suspension shall also apply to any motor vehicle to which the owner transfers the registration.

3. Upon receipt of notification from the designated agent, the director shall suspend the owner's vehicle registration effective immediately. The suspension period shall be as follows:

(1) If the person's record shows no prior violation, the director shall terminate the suspension upon payment of a reinstatement fee of twenty dollars and submission of proof of insurance, as prescribed by the director;

(2) If the person's record shows one prior violation for failure to maintain financial responsibility within the immediately preceding two years, the director shall terminate the suspension ninety days after its effective date upon payment of a reinstatement fee of two hundred dollars and submission of proof of insurance, as prescribed by the director;

(3) If the person's record shows two or more prior violations for failure to maintain financial responsibility, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance, as prescribed by the director.

4. In the event that proof of insurance as prescribed by the director has not been filed with the department of revenue in accordance with this chapter prior to the end of the period of suspension provided in this section, such period of suspension shall be extended until such proof of insurance has been filed. In no event shall filing proof of insurance reduce any period of suspension. If proof of insurance is not maintained during the three-year period following the reinstatement or termination of the suspension, the director shall again suspend the license and motor vehicle registration until proof of insurance is filed or the three-year period has elapsed. In no event shall filing proof of insurance reduce any period of suspension.

5. Notwithstanding the provisions of subsection 1 of this section, the director shall not suspend the registration or registrations of any owner who establishes to the satisfaction of the director that the owner's motor vehicle was inoperable or being stored and not operated on the date proof of financial responsibility is required by the director.**]**

[303.412. 1. Beginning March 1, 2003, before the seventh working date of each calendar month, all licensed insurance companies in this state shall provide to the designated agent a record of all policies in effect on the last day of the preceding month. This subsection shall not prohibit more frequent reporting.

2. The record pursuant to subsection 1 of this section shall include the following:

(1) The name, date of birth, driver's license number and address of each insured;

(2) The make, year and vehicle identification number of each insured motor vehicle;

(3) The policy number and effective date of the policy.

3. The department of revenue shall notify the department of insurance, financial institutions and professional registration of any insurer who violates any provisions of this act. The department of insurance, financial institutions and professional registration may, against any insurer who fails to comply with this section, assess a fine not greater than one thousand dollars per day of noncompliance. The department of revenue may assess a fine not greater than one thousand dollars per day against the designated agent for failure to complete the project by the dates designated in sections 303.400 to 303.415 unless the delay is deemed beyond the control of the designated agent or the designated agent provides acceptable proof that such a noncompliance was inadvertent, accidental or the result of excusable neglect. The department of insurance, financial institutions and professional registration shall excuse the fine against any insurer if an assessed insurer provides acceptable proof that such insurer's noncompliance was inadvertent, accidental or the result of excusable neglect.**]**

[303.415. 1. Sections 303.400 and 303.403 shall become effective on July 1, 2002, and shall expire on June 30, 2007.

2. The enactment of section 303.025, and the repeal and reenactment of sections 303.406, 303.409, 303.412 and 303.415 shall become effective July 1, 2002 and sections 303.406, 303.409 and 303.412 shall expire on June 30, 2007.**]**

[307.176. A bus transportation company shall allow the driver or operator of a bus to temporarily install and operate in the bus a citizens band radio, technically limited to transmit and receive frequency of 27.065 megahertz and 27.185 megahertz, including earphones, antenna and any necessary equipment purchased and installed by the licensed driver or operator of the bus.**]**

[307.367. Prior to September 1, 2007, but no earlier than August 1, 2007, all moneys held in the Missouri air pollution control fund established under section 307.366 shall be transferred, as deemed necessary by the state treasurer and commissioner of administration, to the Missouri air emission reduction fund established in section 643.350, RSMo, to be used for the purposes of administering and enforcing the provisions of sections 643.300 to 643.355, RSMo. Prior to such date, any of the moneys in the Missouri air pollution control fund that are needed to pay any outstanding debt of the Missouri air pollution control fund, as determined by the state treasurer, shall be exempted from the provisions of this section. The Missouri air pollution control fund shall be officially abolished on September 1, 2007.**]**

[311.470. Any druggist may have in his possession intoxicating liquor purchased by him from a licensed vendor under a license pursuant to this law, or intoxicating liquor lawfully acquired at the place of acquisition and legally

transported into this state, and lawfully inspected, gauged and labeled as provided for in this law; such intoxicating liquor to be used in connection with the business of a druggist, in compounding medicines or as a solvent or preservant; provided, that nothing in this law shall prevent a regularly licensed druggist, after he procures a license therefor in compliance with this law, from selling intoxicating liquor in the original packages, but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his professional judgment for any patient at any time, or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.**]**

[318.010. The county commission shall have power to license the keepers of billiard tables and all similar tables upon which balls or cues are used. At each term, the clerk of said commission shall prepare and deliver to the collector of their county, as many blank licenses for the keepers of such tables herein mentioned as the respective commissions shall direct which shall be signed by the clerk and attested by the seal of the commission.**]**

[318.020. The collector shall deliver to any person who shall have been licensed, a license to keep any such table mentioned in section 318.010 in their respective counties, for a term of twelve months, upon the payment by the applicant of the sum of twenty dollars for each billiard table, and ten dollars for each other table described in said section, and the collector shall countersign such license before delivering the same to the applicant; provided, that if the applicant be the keeper of more than one of such tables, the number may be named in one license, and in such case the clerk shall not be entitled to more than one fee as provided in section 318.050.**]**

[318.030. No county commission, city or town authorities shall levy a greater amount for a license tax on any table mentioned in section 318.010, for county, city or town purposes, than is allowed for state purposes.**]**

[318.040. The state, county, city or town, as the case may be, shall have a lien, and a lien is hereby created in their favor, upon any such table mentioned in section 318.010, to the amount of the licenses thereon; and if any owner or keeper thereof shall fail or refuse to pay to the respective collectors or other persons authorized to collect the same, the amounts of the licenses due the state, county, city or town, within ten days after such table shall be set up, then it shall be the duty of the respective collectors or persons authorized to collect such licenses to levy upon and seize such table or tables, and sell the same at public auction, for cash, to pay the amount of said licenses.**]**

[318.050. The county commissions shall charge the collectors with all blank licenses delivered to them, and at every regular term shall settle with the collectors for all such licenses delivered to them, and credit them with all the blank licenses which they may return, and at the same time the collectors shall pay the clerk respectively fifty cents for every such blank license not returned.**]**

[318.060. The collector shall stand chargeable with all the blank licenses not returned, and the county commission at each regular term shall cause the clerks to certify to the state auditor the amounts with which the collectors stand chargeable, who shall charge the respective collectors accordingly.**]**

[318.070. This chapter shall not apply to any person having set up in his own private residence any one of such tables mentioned in section 318.010, when used for his own private use, and for the use of his family, nor to clubs where pool, billiard and other tables are used exclusively for club members and upon which no charge for playing is made.**]**

[318.080. Every person who shall keep or permit to be kept or used any one or more of the tables mentioned in section 318.010, without having a license therefor, shall forfeit and pay not less than fifty nor more than four hundred dollars, to be recovered by indictment or information.**]**

[318.090. 1. No licensed keeper of any table described in section 318.010 shall allow any person under the age of sixteen years to play on any such table without first having obtained the permission of such person's parent or guardian.

2. No licensed keeper of any table described in section 318.010 who serves alcoholic beverages or intoxicating wines and liquors in the establishment where the table is found shall allow any person under the age of twenty-one years to play upon such table; provided, however, that this subsection shall not apply to establishments where such tables described in section 318.010 are separate from the location where alcoholic beverages are served.

3. Any person who violates this section is guilty of an infraction for each violation.**]**

[318.100. Every licensed keeper of one or more such tables mentioned in section 318.010 shall display in the room where the same is placed one or more placards, having section 318.090 conspicuously posted and printed thereon, in letters not smaller than ten-point type, for the information of players.**]**

[340.290. No judicial or administrative proceeding pending prior to August 28, 1992, shall be abated as a result of the repeal of chapter 340 and the enactment of sections 340.200 to 340.330.**]**

[342.010. No person shall be authorized to manage, control or take charge of or act as engineer of any steam boiler, engine or apparatus, in any city in the state of Missouri having over twenty thousand inhabitants, who has not the requisite knowledge and ability to manage the same with safety to the lives and property of the inhabitants of such cities. No person shall be authorized to act as inspector of stationary steam engines, boilers or apparatus in any of the cities mentioned in this section who has not the qualifications herein mentioned. Any person who shall manage, control or take charge of or act as engineer of any steam boiler, engine or apparatus as indicated in this section, who shall not be a duly qualified engineer, shall be deemed to be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than five hundred dollars.**]**

[342.020. Any incorporated association of qualified local steam engineers in any city as mentioned in section 342.010 shall be authorized to grant certificates of qualification to all persons who duly pass an examination before a committee of examiners, to be appointed by any such corporation, and are found competent to manage such steam engines, boilers and apparatus as mentioned in said section 342.010, such certificates to be signed by the examining committee, and to be issued under the signature of the president and the seal of said corporation, any such certificate to be prima facie evidence of the qualifications of the person to whom it is issued; no charge to be made for any such certificate, however, exceeding one dollar.**]**

[374.208. The director shall study and recommend to the general assembly changes to avoid unnecessary duplication of market conduct activities and to implement uniform processes and procedures for market analysis and market conduct examinations which will more effectively utilize resources to protect insurance consumers. The study shall be completed and recommendations provided by January 1, 2008.**]**

[376.990. The board of directors of the state health insurance pool is hereby directed to conduct a study regarding the financing of the state health insurance pool. Such study shall include, but not be limited to, research and findings of how other states finance their state high-risk pools. The study shall consider alternative assessment approaches to the current assessment method employed in section 376.975. In addition to studying alternative financing mechanisms employed by other state high-risk pools, the board shall explore the ramifications of eliminating or reducing a carrier's ability to offset their assessments against their premium tax liability. The polestar of the study shall be establishing a stable funding source for the Missouri state health insurance pool while providing adequate health insurance coverage to Missouri's uninsurable population. The board of directors of the state health insurance pool

shall submit a report of its findings and recommendations to each member of the general assembly no later than January 1, 2008.**]**

[386.220. The commission may engage in any conferences with officials of any and all other states and the District of Columbia, territories and possessions of the United States and foreign countries for the purpose of promoting, entering into, and establishing fair and equitable reciprocal agreements or arrangements that in the judgment of the commission are proper, expedient, fair, and equitable and in the interest of the state of Missouri and the citizens thereof to the end that any motor carrier of passengers or property which operates motor vehicles and trailers into, out of, or through this state as a for hire motor carrier and which has paid all regulatory fees required by the state, District of Columbia, territory or possession of the United States or foreign country where the motor vehicles and trailers are duly licensed or registered pursuant to an agreement or arrangement entered into by the Missouri highway reciprocity commission, or if no such agreement or arrangement has been entered into, where the owner is a resident, shall not be required to pay fees prescribed in section 390.136, RSMo; but the provisions of this section shall be operative as to a motor vehicle and trailer duly licensed or registered in a state, District of Columbia, territory or possession of the United States or foreign country pursuant to an agreement or arrangement entered into by the Missouri highway reciprocity commission and if no such agreement or arrangement has been entered into, where the owner is a resident, upon which all regulatory fees have been paid, when operated for hire in Missouri only to the extent that, under the laws of the state, District of Columbia, territory or possession of the United States or foreign country, wherein such motor vehicle and trailer are registered like exemptions are granted motor vehicles and trailers duly licensed or registered in Missouri which may be conducting similar motor carrier operations for hire in such other state, District of Columbia, territory or possession of the United States, or foreign country.**]**

[389.440. 1. Every individual, company or corporation owning, managing or operating, or who may hereafter own, manage or operate any railroad or part of a railroad over bridges or through tunnels, as well as elsewhere, in this state, who carry passengers or whose duty it is to carry livestock as a common carrier, are hereby required to furnish to all shippers of livestock, having a right to accompany the same, a caboose or other suitable car for the transportation of such shipper or shippers to the actual place of unloading such shipments.

2. And said owners or shippers shall be carried and furnished free transportation to the place of destination and return; provided, that only one man or person shall be carried free of charge for each consignment or shipment; and

be it further provided, that all such cabooses or cars on such trains shall be furnished with a toilet room for the accommodation of passengers.

3. Any railroad, corporation or company doing business in this state refusing or failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars for each day's negligence or refusing to comply with the requirements of this section after the enactment and passage of the same as required by law, and all moneys arising as such fine shall revert to the public school fund of this state.**]**

[389.450. Any individual, company or corporation violating the provisions of section 389.440 shall, upon conviction thereof, be deemed guilty of a misdemeanor, and fined in any sum of not less than fifty nor more than five hundred dollars.**]**

[389.880. It shall be unlawful for any person, firm or corporation, operating a line of steam railroad in this state, to use or permit to be used within the state of Missouri, any steam locomotive engine, between the first day of October and the first day of April of the next succeeding year, unless the inside of the cab on such locomotive engine shall be supplied and equipped with not less than sixteen square feet of heating radiation on each side thereof; and unless such locomotive engine shall be supplied and equipped with suitable curtain or curtains, to be located between the tender and cab of such locomotive engine, in such manner as to exclude the rain, snow or wind from entering the cab thereof, nor unless any openings in the deck, running board or floor of such cab or the openings or windows in the sides and front of such cab shall be constructed so that said openings or windows may be so securely closed as to prevent as nearly as practicable wind, snow or rain from entering said openings or windows.**]**

[389.890. It shall be unlawful for any person, firm or corporation, operating a steam railroad within the state, after the first day of August, 1913, to use or permit to be used any locomotive engine within the state of Missouri, unless such locomotive engine shall be equipped with a seat on each side of the cab thereof, which seats shall consist of a series of spiral, coil or elastic springs, on the top of which shall be constructed a padding or cushion consisting of leather or a suitable substitute thereof, stuffed or packed with hair, moss or other suitable material commonly used for such purpose, which said seat, including the springs thereof, shall not be greater than six nor less than four inches in thickness.**]**

[389.895. 1. It shall be unlawful for any person, firm, company, corporation, operating a railroad as a common carrier in this state, to hereafter

build and put into operation, any car used as a caboose which does not conform to the requirements of this section.

2. Wherever glass or glazing materials are used in partitions, doors, windows, or wind deflectors, it shall be of the safety glass type. For the purpose of this subsection, safety glass is any type of glass or glazing material so manufactured, fabricated, treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects, other external sources, or by glass or glazing material when the same is cracked or broken.

3. This section shall not apply to a caboose operated wholly within yard limits.

4. The motor carrier and railroad safety division of the department of economic development of Missouri shall be empowered to enforce the foregoing subsections and prosecute any violation thereof.**]**

[400.9-118. The secretary of state may collect an additional fee of five dollars on each and every fee paid to the secretary of state as required in chapter 400.9. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, 2009.**]**

[402.225. The provisions of sections 402.200 to 402.220 shall be effective upon a determination by the department of mental health and notification to the revisor of statutes that there has been federal legislative or administrative assurance that participation in the trust as established herein will not jeopardize a beneficiary's eligibility for public assistance and will not reduce the payment of covered services for which the beneficiary is eligible, and not otherwise.**]**

[454.010. The purposes of sections 454.010 to 454.360 are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.**]**

[454.020. In sections 454.010 to 454.360 unless the context otherwise requires:

(1) "Certification" shall be in accordance with the laws of the certifying state.

(2) "Court" means the circuit court of this state and, when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(3) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate

maintenance or otherwise, and includes the duty to pay arrearages of support payments which are past due and unpaid.

(4) "Governor" includes any person performing the functions of governor or the executive authority of any territory covered by the provisions of sections 454.010 to 454.360.

(5) "Initiating court" means the court in which a proceeding is commenced.

(6) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(7) "Law" includes both common and statute law.

(8) "Obligee" means any person to whom a duty of support is owed and a state or political subdivision thereof.

(9) "Obligor" means any person owing a duty of support.

(10) "Register" means to file in the Registry of Foreign Support Orders as required by the court.

(11) "Registering court" means any court of this state in which the support order of the rendering state is registered.

(12) "Rendering state" means any state in which a support order is originally entered.

(13) "Responding court" means the court in which the responsive proceeding is commenced.

(14) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(15) "State" includes any state, territory, or possession of the United States, the District of Columbia, and any foreign jurisdiction in which this or a substantially similar reciprocal law has been enacted.

(16) "Support order" means any judgment, decree or order of support, whether temporary or final, whether subject to modification, revocation or remission, regardless of the kind of action in which it is entered.**]**

[454.030. The remedies herein provided are in addition to and not in substitution for any other remedies.**]**

[454.040. Duties of support arising under the law of this state, when applicable under section 454.070, bind the obligor, present in this state, regardless of the presence or residence of the obligee.**]**

[454.050. The governor of this state may:

(1) Demand from the governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state;

(2) Surrender on demand by the governor of any other state any person found in this state who is charged in such other state with the crime of failing to

provide for the support of any person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or other state.**]**

[454.060. 1. Before making the demand on the governor of any other state for the surrender of a person charged in this state with the crime of failing to provide for the support of any person, the governor of this state may require any prosecuting attorney of this state to satisfy him that at least sixty days prior thereto the obligee brought an action for the support under sections 454.010 to 454.360, or that the bringing of an action would be of no avail.

2. When under this or a substantially similar law, a demand is made upon the governor of this state by the governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the governor may call upon any prosecuting attorney to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under sections 454.010 to 454.360 or would be effective.

3. If an action for the support would be effective and no action has been brought, the governor may delay honoring the demand for a reasonable time to permit prosecution of an action for support.

4. If an action for support has been brought and the person demanded has prevailed in that action, the governor may decline to honor the demand.

5. If an action for support has been brought and pursuant thereto the person demanded is subject to a support order, the governor may decline to honor the demand so long as the person demanded is complying with the support order.**]**

[454.070. Duties of support applicable under this law are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.**]**

[454.080. Whenever the state or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support. The state also may recover arrearages owed to the obligee under a court order or judgment and assigned to the state as a condition of eligibility for benefits under the aid to families with dependent children program.**]**

[454.090. All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under the provisions of sections 454.010 to 454.360, including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor.**]**

[454.100. Jurisdiction of all proceedings hereunder is vested in the circuit court. Such proceedings shall be heard by a circuit judge, except that said proceedings may be heard by an associate circuit judge if he is assigned to hear such case or class of cases or if he is transferred to hear such case or class of cases pursuant to other provisions of law or section 6 of article V of the constitution.**]**

[454.105. Participation in any proceeding under sections 454.010 to 454.360 does not confer jurisdiction upon any court over any of the parties thereto in any other proceeding.**]**

[454.110. The petition shall be verified and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information. The plaintiff may include in or attach to the petition any information which may help in locating or identifying the defendant such as a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, or Social Security number.**]**

[454.120. The prosecuting attorney upon the request of the court or of the state division of family services shall represent the plaintiff in any proceeding under sections 454.010 to 454.360.**]**

[454.130. A petition on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.**]**

[454.140. If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause three copies of (1) the petition, (2) its certificate and (3) sections 454.010 to 454.360 to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such

copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.**]**

[454.150. An initiating court shall not require the payment of either a filing fee or other costs from the obligee, but may request the responding court to collect fees and costs from the obligor. A responding court shall not require the payment of a filing fee or other costs from the obligee, but it may direct that all fees and costs requested by the initiating court and incurred in this state when acting as a responding state be paid in whole or in part by the obligor or by the appropriate county of the initiating state. These costs or fees do not have priority over amounts due to the obligee.**]**

[454.160. If a court of this state believes that the obligor may flee, it may:

(1) As an initiating court, request in its certificate that the responding court obtain the body of the obligor by appropriate process; or

(2) As a responding court, obtain the body of the obligor by appropriate process. Thereupon it may release him upon his own recognizance or upon his giving a bond in an amount set by the court to assure his appearance at the hearing.**]**

[454.170. The division of family services is hereby designated as the "state information agency" under sections 454.010 to 454.360, and it shall:

(1) Compile a list of the courts and their addresses in this state having jurisdiction under sections 454.010 to 454.360 and transmit the same to the state information agency of every other state which has adopted this or a substantially similar law, and

(2) Maintain a register of such lists received from other states and transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under sections 454.010 to 454.360.**]**

[454.180. 1. After the court of this state acting as a responding state has received from the court of the initiating state the aforesaid copies the clerk of the court shall docket the cause and notify the prosecuting attorney of his action.

2. It shall be the duty of the prosecuting attorney diligently to prosecute the case. He shall take all action necessary in accordance with the laws of this state to give the court jurisdiction of the defendant or his property and shall request the court to set a time and place for a hearing.**]**

[454.190. 1. The prosecuting attorney shall, on his own initiative, use all means at his disposal to trace the defendant or his property and if, due to inaccuracies of the petition or otherwise, the court cannot obtain jurisdiction, the

prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the court in the initiating state.

2. If the defendant or his property is not found in the county and the prosecuting attorney discovers by any means that the defendant or his property may be found in another county of this state or in another state he shall so inform the court and thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that it forward the documents to the proper court. Thereupon both the court of the other county and any court of this state receiving the documents and the prosecuting attorney have the same powers and duties under sections 454.010 to 454.360 as if the documents had been originally addressed to them. When the clerk of a court of this state retransmits documents to another court, he shall notify forthwith the court from which the documents came.

3. If the prosecuting attorney has no information as to the whereabouts of the obligor or his property he shall so inform the initiating court.**]**

[454.200. 1. If the obligee is not present at the hearing and the obligor denies owing the duty of support alleged in the petition or offers evidence constituting a defense, the court, upon the request of either party, shall continue the hearing to permit evidence relative to the duty of support to be introduced by either party by deposition or by appearing in person before the court. The court may designate the judge of the initiating court as a person before whom a deposition may be taken.

2. If the action is based on a support order issued by another court, a certified copy of the order shall be received as evidence of the duty of support, subject only to any defenses available to an obligor with respect to paternity or to a defendant in an action or a proceeding to enforce a foreign money judgment.

3. If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and, if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue; otherwise, the court may adjourn the hearing until the paternity issue has been adjudicated.

4. In any proceeding under sections 454.010 to 454.360 in which paternity is at issue, the provisions of sections 210.822 and 210.834, RSMo, shall apply.**]**

[454.210. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under

sections 454.010 to 454.360. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.**]**

[454.220. If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.**]**

[454.230. The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.**]**

[454.240. In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(1) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant;

(2) To require the defendant to make payments at specified intervals to the clerk of the court and to report personally to such clerk at such times as may be deemed necessary;

(3) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court; and

(4) To impose a withholding order against the wages or other income of the defendant pursuant to section 452.350, RSMo.**]**

[454.250. The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

(1) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(2) Upon request, to furnish to the court of the initiating state a certified statement of all payments made by the defendant.**]**

[454.260. The courts of this state when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.**]**

[454.270. A responding court shall not stay the proceeding or refuse a hearing under the provisions contained in sections 454.010 to 454.360 because of any pending or prior action or proceeding for divorce, separation, annulment,

dissolution, habeas corpus, adoption, or custody in this or any other state. The court shall hold a hearing and may issue a support order pendente lite. In aid thereof, it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding and the judgment therein provides for the support demanded in the petition pending, the court before which such petition is pending may conform its support order to the amount allowed in the other action or proceeding. Thereafter, such court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.**]**

[454.275. If the director of the division of family services is of the opinion that a support order is erroneous and presents a question of law warranting an appeal in the public interest, he may perfect an appeal to the proper appellate court if the support order was issued by a court of this state.**]**

[454.280. No order of support issued by a court of this state when acting as a responding state shall supersede any other order of support but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.**]**

[454.290. If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in the following sections.**]**

[454.300. The obligee may register the foreign support order in a court of this state in the manner, with the effect and for the purposes herein provided.**]**

[454.310. The clerk of the court shall maintain a Registry of Foreign Support Orders in which he shall file foreign support orders.**]**

[454.320. The petition for registration shall be verified and shall set forth the amount remaining unpaid and a list of any other states in which the support order is registered and shall have attached to it a certified copy of the support order with all modifications thereof. The foreign support order is registered upon the filing of the petition subject only to subsequent order of confirmation.**]**

[454.330. The procedure to obtain jurisdiction of the person or property of the obligor shall be as provided in civil cases. The obligor may assert any defense available to a defendant in an action on a foreign judgment. If the obligor defaults, the court shall enter an order confirming the registered support order and determining the amounts remaining unpaid. If the obligor appears and a hearing is held, the court shall adjudicate the issues including the amounts remaining unpaid.**]**

[454.340. The support order as confirmed shall have the same effect and may be enforced as if originally entered in the court of this state. The procedures for the enforcement thereof shall be as in civil cases.**]**

[454.350. This law shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.**]**

[454.355. The provisions contained in sections 454.010 to 454.360 apply if both the obligee and the obligor are in this state but in different counties, or if both the obligor and obligee are residents of the same county. If the court of the county in which the petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and finds that a court of another county in this state may obtain jurisdiction over the obligor or his property, the clerk of the court shall send the petition and a certification of the findings to the court of the county in which the obligor or his property is found. The clerk of the court of the county receiving these documents shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court in the county to which the copies are forwarded shall then have duties corresponding to those imposed upon them when acting for this state as a responding state, including, but not limited to, the registration of an order for support entered by another court within this state. Such a registered order shall have the same effect and may be enforced as if originally entered by the court of the responding county.**]**

[454.360. Sections 454.010 to 454.360 may be cited as the "Uniform Reciprocal Enforcement of Support Law". In all cases filed by Missouri or received by Missouri under the provisions of the uniform reciprocal enforcement of support act, sections 454.010 to 454.360, prior to January 1, 1997, the provisions of the uniform reciprocal enforcement of support act, sections 454.010 to 454.360, shall continue to apply. In all other cases, the provisions of the uniform interstate family support act, sections 454.850 to 454.980, shall apply.**]**

[454.800. As used in sections 454.800 to 454.808, the following terms mean:

(1) "Advance planning documents", a series of documents including updates covering the various phases of the project submitted to the federal Office of Child Support Enforcement for review and approval;

(2) "Project" or "system", the comprehensive, statewide automated system developed and implemented by the division of child support enforcement in compliance with section 454 of the Social Security Act (42 U.S.C. 654);

(3) "Steering committee", the statewide automated system steering committee.**]**

[454.802. The director of the department of social services shall appoint a "Statewide Automated System Steering Committee", which shall be composed of the following members:

(1) The state courts administrator or his designee;

(2) The director of the department of social services or his designee;

(3) The director of the division of child support enforcement or his designee;

(4) The director of the division of family services or his designee;

(5) The director of the division of data processing of the department of social services or his designee;

(6) Three or more prosecuting attorneys or their designees. Such prosecuting attorneys shall be appointed from a list submitted to the director from the Missouri office of prosecution services;

(7) Two or more circuit clerks or their designees;

(8) Three or more representatives from the private sector, two of whom shall be representatives of business and one of whom shall be a custodial parent; and

(9) Such other interested parties as the director may deem appropriate.**]**

[454.804. Steering committee members shall serve as long as they hold the position that made them eligible for the membership on the steering committee, or until they are replaced by the director of the department of social services. Members shall serve without additional compensation, but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**]**

[454.806. The steering committee shall advise the department of social services regarding the development and implementation of a comprehensive statewide automated system for child support enforcement that meets all functional requirements for federal funding under 42 U.S.C. 654. The automated system shall not alter program functions delegated to the department of social services, prosecuting attorneys, circuit attorneys, and circuit clerks by chapters 208, 210, 452, and 454, RSMo. The system shall be the sole child support enforcement system undertaken by the state.**]**

[460.100. Such trustee may sue for and recover, in his own name, any of the estate, property or effects belonging to, and all debts and sums of money due, or to become due, to such imprisoned convict, and may prosecute and defend all actions commenced by or against such convict. By leave of court, such trustee may employ counsel and, subject to court approval, pay reasonable attorney fees and expenses of litigation, to prosecute or defend such actions.**]**

[460.250. The trustee shall be allowed reasonable compensation to be determined by the court together with expenses of administration to be paid from the trust estate.**]**

[490.610. A copy of the enrollment of any steamboat in any customhouse or in the office of any surveyor and inspector of customs, duly certified by the proper officer, shall, as against the persons described as owners of such steamboat in such enrollment, be prima facie evidence that they are the owners thereof.**]**

[620.155. There is hereby established the "Missouri Rural Economic Development Council". The council shall consist of six members, including the lieutenant governor, the director of the department of agriculture, the director of the department of economic development, and the director of the extension division of the University of Missouri. The other two members shall be one senator appointed by the president pro tem of the senate and one representative appointed by the speaker of the house of representatives.**]**

[620.156. Members of the council shall not be compensated for their services, but they shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. The members of the council shall organize by electing one member as chairman and another as vice chairman. Such officers shall serve for terms of two years. The office of rural development of the department of economic development, established by section 620.161, shall provide staff to the council to aid it in the performance of its duties.**]**

[620.157. The specific duties of the Missouri rural economic development council shall include, but not be limited to, the following:

(1) Investigate and evaluate new methods to enhance rural economic development in Missouri;

(2) Aid in the development of rural economic diversification through private enterprises, including technologically innovative industries and value-added manufacturing;

(3) Adopt a comprehensive state rural investment guide;

(4) Make investments in rural economic development projects to stimulate rural development and diversification, including investments in applied technological research and agricultural technology assistance and transfer, as allowed by appropriations provided by the general assembly;

(5) Make recommendations to the office of rural development for the award of grants-in-aid under the rural communities assistance program, as provided for in section 620.163;

(6) Assist existing businesses and encourage new businesses which promote resource recovery, waste minimalization, and recycling.**]**

[620.158. 1. The council, after appropriate study, shall adopt a comprehensive state rural investment guide consisting of policy statements, objectives, standards, and program criteria to guide state agencies in establishing and implementing programs relating to rural development. The guide must recognize the community and economic needs, and food and agricultural policy, and the resources of rural Missouri, and provide a plan to coordinate and allocate public and private resources to the rural areas of the state. The council shall submit the guide to the appropriate committees of the general assembly.

2. Sections 620.155 to 620.158 shall expire on June 30, 2010.**]**

[620.160. As used in sections 620.160 to 620.165, the following terms mean:

(1) "Rural community", any city, town, or village having a population of fewer than fifteen thousand inhabitants located in a county that is not part of a standard metropolitan statistical area as defined by the United States Department of Commerce or its successor agency. However, any such city, town or village located in a county so defined as a standard metropolitan statistical area may be designated a rural community by the office of rural development if a substantial number of persons in such county derive their income from agriculture and in any county where there is only one city within the county which has a population of more than fifteen thousand and which classifies as a standard metropolitan statistical area, all other cities, towns and villages in that county having a population of less than fifteen thousand shall be designated as a rural community;

(2) "Sponsoring organization", any city government, county commission, or industrial development corporation authorized by chapter 349, RSMo, located in a county specified in subdivision (1) of this section.**]**

[620.161. 1. There is hereby created within the department of economic development an "Office of Rural Development". The office of rural development shall be under the supervision and control of a director, who shall be appointed by the director of the department of economic development. Until June 30, 2000, the office of rural development shall be responsible for providing staff support to the Missouri rural economic development council. The office shall assist qualifying rural communities located in this state to achieve the following goals, which are listed in order of priority:

(1) Assist existing businesses and employers to ensure their viability within the rural communities;

(2) Assist existing businesses and employers in job creation and expansion within the communities and assist in the identification of financing alternatives;

(3) Provide assistance to communities in attracting new employers;

(4) Assist existing businesses and encourage new businesses which promote resource recovery, waste minimalization, and recycling.

2. Subject to appropriations by the general assembly, the director of the office of rural development shall employ support staff that he deems necessary to administer this act.**]**

[620.163. 1. There is hereby established a "Rural Communities Economic Assistance Program", which shall be administered by the office of rural development. Under the auspices of the rural communities economic assistance program and, until June 30, 2000, with the recommendations of the Missouri rural economic development council, the office of rural development shall have the authority, until June 30, 2010, to make available to qualifying rural communities grants-in-aid designed to achieve the goals stated in subsection 1 of section 620.161. The grants-in-aid awarded pursuant to this authority may be funded out of the general revenue fund or from any other available source allowed by law.

2. The office of rural development shall take applications for grants-in-aid from sponsoring organizations on behalf of rural communities. The applications shall be designed by the office of rural development and shall contain information necessary to determine the potential economic benefits of grants-in-aid to be awarded, as well as other information deemed necessary for the administration of this program.

3. The grants-in-aid to be awarded under the rural communities economic development assistance program shall be distributed to not more than twenty communities chosen by the office of rural development with the recommendations of the Missouri rural economic development council so long as it exists from the applications received prior to February twenty-eighth of each year. The grants-in-aid shall be distributed on July first of each year to such communities in an amount not to exceed thirty thousand dollars per community. No community may receive grants-in-aid for more than two consecutive years. In order to qualify for a grant-in-aid from the office of rural economic development, each community must match the amount of the grant with local funds equal to one-third of the grant-in-aid.

4. The sponsoring organization of each community chosen to receive a grant-in-aid from the office of rural economic development shall provide the community with equipment, office space, telephone service, stationery, and such other office supplies and services as are necessary to accomplish the goals set forth in subsection 1 of section 620.161 and in the application submitted to the office of rural economic development. The provision of such supplies and services by the sponsoring organization may be used to meet the one-third fund match requirement set forth in subsection 3 of this section.**]**

[620.164. 1. Communities receiving grants-in-aid under the rural communities economic assistance program shall hire such personnel as are necessary to administer a program designed to bring about economic

development in the community. Such personnel shall coordinate with the sponsoring organization or its contractual designee pursuant to subsection 2 of this section to maximize the utilization of funds and resources. Such personnel shall work toward achieving the goals of the office of rural development within the community and shall also assist in the development of and investment opportunities within the community, and shall generally encourage entrepreneurship within the community. The office of rural development shall encourage the communities to continue to fund local development offices after the expiration of the program grants-in-aid for their communities. As nearly as possible, the office of rural development shall require communities receiving such grants-in-aid to cooperate with adjacent rural communities in an effort to stimulate regional economic development.

2. Sponsoring organizations may enter into contracts with chambers of commerce, regional planning commissions as defined in chapter 251, RSMo, or other entities involved in economic development approved by the council to provide for the administration of grants-in-aid made pursuant to this act.**]**

[620.165. 1. The office of rural development shall furnish technical assistance to communities and local rural development personnel by administering training seminars for such local development personnel. The office may also furnish market surveys, feasibility studies, prospect lists and other data to local rural development offices upon request for such available information.

2. The extension division of the University of Missouri and the department of economic development shall cooperate in the implementation of sections 620.155 to 620.165.**]**

[620.170. 1. Sections 620.170 to 620.174 may be cited as the "Missouri Export Development Office Act".

2. As used in sections 620.170 to 620.174, the following terms mean:

(1) "Board", the Missouri economic development, export and infrastructure board;

(2) "Director", the executive director of the Missouri export development office;

(3) "Export trade assistance" includes, but is not limited to, staff assistance provided by the office to potential Missouri exporters in the areas of international market research, advertising, marketing, insurance, legal assistance, transportation, including trade documentation and freight forwarding, and processing of foreign orders to and for exporters and foreign purchases and warehousing, when undertaken to export or facilitate the export of goods or services produced or assembled in this state;

(4) "Financial institution", any credit union, bank or savings and loan association regulated by the state of Missouri or the United States government; any insurance company authorized to transact business in Missouri, or any person

or institution whose primary business is lending money and who is regulated by the state;

(5) "Office", the Missouri export development office, created by sections 620.170 to 620.174.**]**

[620.173. In addition to the duties described in subsection 1 of section 620.158, the Missouri export development office shall establish, as soon as practicable, a computerized marketing center to aid in the exporting of goods and services of Missouri's small and medium-sized businesses. The establishment of the marketing center shall be carried out in conjunction with personnel of the department of economic development's management information system. The purpose of the center shall be to provide an inventory of goods and services of Missouri businesses which are appropriate and available for exporting. The marketing center shall also develop a marketing plan which shall attempt to match specific goods and services of Missouri businesses with international communities and with selected international target markets.**]**

[620.174. The director of the department of economic development shall appoint an executive director of the Missouri export development office. The director shall be knowledgeable about private and public export assistance and export financing programs and may employ staff as necessary to carry out the provisions of sections 620.170 to 620.174.**]**

[620.176. Any person who is appointed or employed by the Missouri economic development export and infrastructure board who is not an employee of the state of Missouri and a member of a retirement system supported in whole or in part by the state of Missouri may participate in a state-supported plan for medical benefits if the board elects to contribute an amount per each such person equal to the amount that the state contributes for each covered state employee for medical benefits under the provisions of section 104.515, RSMo. The board shall pay the amount to be contributed to the commissioner of administration for transmittal and deposit in the state treasury in the account maintained for medical, life insurance and disability benefits. If the board so elects, the spouses and unemancipated children under twenty-three years of age of the appointees or employees may participate in the program to cover medical expenses under the provisions of and subject to the payment requirements established pursuant to subsection 3 of section 104.515, RSMo.**]**

[622.010. A "Division of Motor Carrier and Railroad Safety" is hereby established within the department of economic development. The division shall be headed by a director, nominated by the department director and appointed by the governor with the advice and consent of the senate. The director shall be the chief administrative officer of the division.**]**

[622.010. A "Transportation Division" is hereby established within the department of economic development. Effective on July 1, 1997, the name "Transportation Division" shall be changed to the "Division of Motor Carrier and Railroad Safety". The division shall be headed by a director, nominated by the department director and appointed by the governor with the advice and consent of the senate. The director shall be the chief administrative officer of the division.**]**

[622.020. 1. Three administrative law judges shall also be appointed for the division. They shall be nominated by the department director and appointed by the governor with the advice and consent of the senate. Each shall be appointed for a term of six years, except of those first appointed, one shall be appointed for a term of four years, and one for a term of two years. Each shall be an attorney-at-law admitted to practice before the supreme court of Missouri, and while serving in this capacity as an administrative law judge shall not otherwise practice law during his term of office. Not more than two of the administrative law judges shall be members of the same political party.

2. Administrative law judges shall be compensated at the same rate as administrative hearing commissioners are compensated, and they shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.**]**

[622.040. The provisions of sections 622.010 to 622.059 and 680.307, RSMo, shall not apply to any case presently pending before the Missouri public service commission in which any evidence has been submitted either to the public service commission or to the administrative law judge or hearing examiner; or to any pending case in which the public service commission has ordered an investigation into rate charges and the results of the investigation have been filed with the commission. In such cases the public service commission shall decide such cases under the procedures in effect prior to July 1, 1985.**]**

[622.045. The director of the department of economic development is expressly authorized to organize the division to accomplish the purposes set forth by the provisions of sections 622.010 to 622.059 and 680.307, RSMo, and within the limit of appropriations made therefor shall employ all necessary personnel to accomplish those purposes. Personnel previously employed by the public service commission may be transferred to this division.**]**

[622.050. Nothing herein shall be construed as limiting any power, authority, jurisdiction, duty or responsibility of the public service commission under chapter 386, RSMo, or any other statute as to the regulation of public utilities, utility safety and any other nontransportation matters remaining with the public service commission after July 1, 1985.**]**

[622.055. 1. A "Transportation Development Commission" is hereby established. It shall consist of five senators appointed by the president pro tem of the senate, five representatives appointed by the speaker of the house of representatives, and five persons, not less than one of whom shall be an intrastate certificated carrier, not less than one of whom shall be associated with a railroad industry, and not less than one of whom shall be a shipper, appointed by the director of the department of economic development.

2. The commission shall meet and organize by electing one legislative member as chairman and another legislative member as vice chairman. The commission shall meet as often as necessary to carry out its duties at such places as may be convenient for this purpose.

3. Members shall not receive any compensation for the performance of their duties, but all shall be reimbursed for actual and necessary expenses incurred in the performance of those duties, the legislative members from the contingent funds of their respective houses, and the public members from funds appropriated to the department of economic development.**]**

[622.057. The transportation development commission shall study the implementation of the provisions of sections 622.010 to 622.059 and section 680.307, RSMo, and shall make recommendations therefor to the motor carrier and railroad safety division and the department director. It shall also consider any other appropriate matter relating to the operation of the motor carrier and railroad safety division and the development and regulation of transportation activities within this state. It shall consider the need for new or changed laws or regulations relating to the development and regulation of transportation activities, and shall from time to time make recommendations to the governor and the general assembly in connection therewith to the end that the development of transportation entities and facilities will enhance the economic development of the state.**]**

[644.550. All bonds herein authorized to be issued shall be paid at maturity and all interest accruing thereon shall be paid when it falls due by the state treasurer, at a place designated in the bonds and coupons attached. Thirty days before any of the bonds mature and any of the interest thereon falls due, it shall be the duty of the board of fund commissioners to draw its requisition for the amount necessary to pay such interest on the bonds and the principal of maturing bonds and the necessary expenses to be incurred in transmitting such moneys. Whereupon the commissioner of administration shall certify the amount to the state auditor and the state auditor shall issue his warrant upon the state treasurer therefor in favor of the president of the board of fund commissioners, payable out of the water pollution control bond and interest fund; and the warrant so drawn shall be delivered to the state treasurer who shall transmit the amount

of money therein specified to the paying agent named in the bonds with instructions to place such money to the credit of the board of fund commissioners for the payment of interest or principal of such bonds. Whenever in the opinion of the board of fund commissioners it is advisable to do so, and there are sufficient funds therefor, the board may redeem any of the bonds before maturity if the holders thereof agree thereto, and may also purchase any of the bonds in the open market whenever funds are available and in the opinion of the board it is to the advantage of the state to do so; but, in the event any of the bonds are redeemed before maturity, the purchase price shall not exceed the face value of said bonds plus accrued interest not previously paid.**]**

[660.018. The director of the department of social services shall apply to the United States Secretary of Health and Human Services for all waivers of requirements under federal law necessary to implement the provisions of section A of this act.**]**

Section B. The repeal and reenactment of sections 99.918, 99.1082, 135.205, 135.207, 135.230, 135.530, 135.903, 135.953, 215.263, and 620.1023 of section A of this act shall become effective on April 1, 2011, or when the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate period ends in zero becomes available, which first occurs. The commissioner of the office of administration shall notify the revisor of statutes when the updated United States Census Bureau data has been released.

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