SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1965

95TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, April 22, 2010, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4654L.04C

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, 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 307.176, 307.367, 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020, 454.030, 454.040, 454.050, 454.060, 454.070, 454.080, 454.090, 454.100, 454.105, 454.110, 454.120, 454.130, 454.140, 454.150, 454.160, 454.170,

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

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, 620.1023, 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 forty-five new sections for the sole purpose 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,
2 33.285, 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130,
3 60.461, 67.2677, 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300,
4 96.310, 96.320, 96.330, 96.340, 96.350, 96.360, 96.370, 96.380, 99.799, 99.918,
5 99.1082, 105.140, 105.983, 115.177, 135.205, 135.207, 135.230, 135.431, 135.433,
6 135.530, 135.903, 135.953, 137.118, 137.286, 142.800, 142.815, 142.821, 143.171,
7 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710, 173.715, 173.718,
8 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120, 192.255,
9 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725,
10 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785,
11 196.790, 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318,
12 197.366, 198.058, 198.087, 198.600, 207.023, 207.040, 207.050, 207.055, 208.344,
13 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340,
14 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200,
15 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030,
16 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 307.176, 307.367, 311.470,
17 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070,
18 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671,
19 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225,
20 454.010, 454.020, 454.030, 454.040, 454.050, 454.060, 454.070, 454.080, 454.090,
21 454.100, 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, 620.1023, 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 forty-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, 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, 620.1023, 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

14 directed to pay said warrant or warrants, in payment of said government
15 property.]

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

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

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

21 4. The commissioner of administration shall replace the director of
22 revenue as a member of the board of fund commissioners and assume all duties
23 and responsibilities assigned to the director of revenue by sections 33.300 to
24 33.540, RSMo, relating to duties as a member of the board and matters relating
25 to bonds and bond coupons.

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

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

34 7. The commissioner of administration shall from time to time examine

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

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

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

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

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

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

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

71 (5) Establish procurement procedures for EDP and ADP hardware,
72 software, and support service;
73 (6) Establish a charging system to be used by all service centers when
74 performing work for any agency;
75 (7) Establish procedures for the receipt of service center charges and
76 payments for operation of the service centers. The commissioner shall maintain
77 a complete inventory of all state-owned or -leased EDP and ADP equipment, and
78 annually submit a report to the general assembly which shall include starting
79 and ending EDP and ADP costs for the fiscal year previously ended, and the
80 reasons for major increases or variances between starting and ending costs. The
81 commissioner shall also adopt, after public hearing, rules and regulations
82 designed to protect the rights of privacy of the citizens of this state and the
83 confidentiality of information contained in computer tapes or other storage
84 devices to the maximum extent possible consistent with the efficient operation of
85 the office of administration and contracting state agencies.
86 **[**10.**]** **9.** Except as provided in subsection 13 of this section, the fee title
87 to all real property now owned or hereafter acquired by the state of Missouri, or
88 any department, division, commission, board or agency of state government, other
89 than real property owned or possessed by the state highways and transportation
90 commission, conservation commission, state department of natural resources, and
91 the University of Missouri, shall on May 2, 1974, vest in the governor. The
92 governor may not convey or otherwise transfer the title to such real property,
93 unless such conveyance or transfer is first authorized by an act of the general
94 assembly. The provisions of this subsection requiring authorization of a
95 conveyance or transfer by an act of the general assembly shall not, however,
96 apply to the granting or conveyance of an easement to any rural electric
97 cooperative as defined in chapter 394, RSMo, municipal corporation,
98 quasi-governmental corporation owning or operating a public utility, or a public
99 utility, except railroads, as defined in chapter 386, RSMo. The governor, with the
100 approval of the board of public buildings, may, upon the request of any state
101 department, agency, board or commission not otherwise being empowered to make
102 its own transfer or conveyance of any land belonging to the state of Missouri
103 which is under the control and custody of such department, agency, board or
104 commission, grant or convey without further legislative action, for such
105 consideration as may be agreed upon, easements across, over, upon or under any
106 such state land to any rural electric cooperative, as **[**defined**]** **governed** in

107 chapter 394, RSMo, municipal corporation, or quasi-governmental corporation
108 owning or operating a public utility, or a public utility, except railroad, as defined
109 in chapter 386, RSMo. The easement shall be for the purpose of promoting the
110 general health, welfare and safety of the public and shall include the right of
111 ingress or egress for the purpose of constructing, maintaining or removing any
112 pipeline, power line, sewer or other similar public utility installation or any
113 equipment or appurtenances necessary to the operation thereof, except that
114 railroad as defined in chapter 386, RSMo, shall not be included in the provisions
115 of this subsection unless such conveyance or transfer is first authorized by an act
116 of the general assembly. The easement shall be for such consideration as may be
117 agreed upon by the parties and approved by the board of public buildings. The
118 attorney general shall approve the form of the instrument of conveyance. The
119 commissioner of administration shall prepare management plans for such
120 properties in the manner set out in subsection 7 of this section.

121 **[**11.**]** **10.** The commissioner of administration shall administer a revolving
122 "Administrative Trust Fund" which shall be established by the state treasurer
123 which shall be funded annually by appropriation and which shall contain moneys
124 transferred or paid to the office of administration in return for goods and services
125 provided by the office of administration to any governmental entity or to the
126 public. The state treasurer shall be the custodian of the fund, and shall approve
127 disbursements from the fund for the purchase of goods or services at the request
128 of the commissioner of administration or the commissioner's designee. The
129 provisions of section 33.080, RSMo, notwithstanding, moneys in the fund shall not
130 lapse, unless and then only to the extent to which the unencumbered balance at
131 the close of any fiscal year exceeds one-eighth of the total amount appropriated,
132 paid, or transferred to the fund during such fiscal year, and upon approval of the
133 oversight division of the joint committee on legislative research. The
134 commissioner shall prepare an annual report of all receipts and expenditures
135 from the fund.

136 **[**12.**]** **11.** All the powers, duties and functions of the department of
137 community affairs relating to statewide planning are transferred by type I
138 transfer to the office of administration.

139 **[**13.**]** **12.** The titles which are vested in the governor by or pursuant to
140 this section to real property assigned to any of the educational institutions
141 referred to in section 174.020, RSMo, on June 15, 1983, are hereby transferred to
142 and vested in the board of regents of the respective educational institutions, and

143 the titles to real property and other interests therein hereafter acquired by or for
144 the use of any such educational institution, notwithstanding provisions of this
145 section, shall vest in the board of regents of the educational institution. The
146 board of regents may not convey or otherwise transfer the title to or other interest
147 in such real property unless the conveyance or transfer is first authorized by an
148 act of the general assembly, except as provided in section 174.042, RSMo, and
149 except that the board of regents may grant easements over, in and under such
150 real property without further legislative action.

151 **[**14.**]** **13.** Notwithstanding any provision of subsection **[**13**]** **12** of this
152 section to the contrary, the board of governors of Missouri Western State
153 University, Central Missouri State University, Missouri State University, or
154 Missouri Southern State University; or the board of regents of Southeast Missouri
155 State University, Northwest Missouri State University, or Harris-Stowe State
156 University; or the board of curators of Lincoln University may convey or
157 otherwise transfer, except in fee simple, the title to or other interest in such real
158 property without authorization by an act of the general assembly. The provisions
159 of this subsection shall expire August 28, 2011.

160 **[**15.**]** **14.** All county sports complex authorities, and any sports complex
161 authority located in a city not within a county, in existence on August 13, 1986,
162 and organized under the provisions of sections 64.920 to 64.950, RSMo, are
163 assigned to the office of administration, but such authorities shall not be subject
164 to the provisions of subdivision (4) of subsection 6 of section 1 of the Omnibus
165 State Reorganization Act of 1974, Appendix B, RSMo, as amended.

166 **[**16.**]** **15.** All powers, duties, and functions vested in the administrative
167 hearing commission, sections 621.015 to 621.205, RSMo, and others, are
168 transferred to the office of administration by a type III transfer.

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

10 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,

6 issued by a franchising entity, regardless of whether the authorization is
7 designated as a franchise, permit, license, resolution, contract, certificate,
8 agreement, or otherwise, that authorizes the provision of video service and any
9 affiliated or subsidiary agreements related to such authorization;

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

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

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

21 a. Recurring charges for video service;

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

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

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

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

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

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

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

38 b. Uncollectibles;

39 c. Late payment fees;

40 d. Amounts billed to video service subscribers to recover taxes, fees, or
41 surcharges imposed on video service subscribers or video service providers in

42 connection with the provision of video services, including the video service
43 provider fee authorized by this section;
44 e. Fees or other contributions for PEG or I-Net support; or
45 f. Charges for services other than video service that are aggregated or
46 bundled with amounts billed to video service subscribers, if the entity holding a
47 video service authorization reasonably can identify such charges on books and
48 records kept in the regular course of business or by other reasonable means;
49 (c) Except with respect to the exclusion of the video service provider fee,
50 gross revenues shall be computed in accordance with generally accepted
51 accounting principles;
52 (7) "Household", an apartment, a house, a mobile home, or any other
53 structure or part of a structure intended for residential occupancy as separate
54 living quarters;
55 (8) "Incumbent cable operator", the cable service provider serving cable
56 subscribers in a particular franchise area on September 1, 2007;
57 (9) "Low-income household", a household with an average annual
58 household income of less than thirty-five thousand dollars **[**as determined by the
59 most recent decennial census**]**;
60 (10) "Person", an individual, partnership, association, organization,
61 corporation, trust, or government entity;
62 (11) "Political subdivision", a city, town, village, county;
63 (12) "Public right-of-way", the area of real property in which a political
64 subdivision has a dedicated or acquired right-of-way interest in the real property,
65 including the area on, below, or above the present and future streets, alleys,
66 avenues, roads, highways, parkways, or boulevards dedicated or acquired as
67 right-of-way and utility easements dedicated for compatible uses. The term does
68 not include the airwaves above a right-of-way with regard to wireless
69 telecommunications or other nonwire telecommunications or broadcast service;
70 (13) "Video programming", programming provided by, or generally
71 considered comparable to programming provided by, a television broadcast
72 station, as set forth in 47 U.S.C. Section 522(20);
73 (14) "Video service", the provision of video programming provided through
74 wireline facilities located at least in part in the public right-of-way without
75 regard to delivery technology, including Internet protocol technology whether
76 provided as part of a tier, on demand, or a per-channel basis. This definition
77 includes cable service as defined by 47 U.S.C. Section 522(6), but does not include

78 any video programming provided by a commercial mobile service provider defined
79 in 47 U.S.C. Section 332(d), or any video programming provided solely as part of
80 and via a service that enables users to access content, information, electronic
81 mail, or other services offered over the public Internet;

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

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

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

93 (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
2 requires otherwise, the following terms shall mean:

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

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

21 by the state emergency management agency, the baseline year may, at the option
22 of the municipality approving the development project, be the calendar year in
23 which the natural disaster occurred or the year following the year in which the
24 natural disaster occurred, provided that the municipality adopts an ordinance
25 approving the development project within one year after the occurrence of the
26 natural disaster;

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

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

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

52 (6) "Conservation area", any improved area within the boundaries of a
53 redevelopment area located within the territorial limits of a municipality in which
54 fifty percent or more of the structures in the area have an age of thirty-five years
55 or more, and such an area is not yet a blighted area but is detrimental to the
56 public health, safety, morals, or welfare and may become a blighted area because

57 of any one or more of the following factors: dilapidation; obsolescence;
58 deterioration; illegal use of individual structures; presence of structures below
59 minimum code standards; abandonment; excessive vacancies; overcrowding of
60 structures and community facilities; lack of ventilation, light or sanitary facilities;
61 inadequate utilities; excessive land coverage; deleterious land use or layout;
62 depreciation of physical maintenance; and lack of community planning;

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

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

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

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

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

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

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

81 (g) The development area shall not include any property that is located
82 within the one hundred year flood plain, as designated by the Federal Emergency
83 Management Agency flood delineation maps, unless such property is protected by
84 a structure that is inspected and certified by the United States Army Corps of
85 Engineers. This subdivision shall not apply to property within the one hundred
86 year flood plain if the buildings on the property have been or will be flood proofed
87 in accordance with the Federal Emergency Management Agency's standards for
88 flood proofing and the property is located in a home rule city with more than one
89 hundred fifty-one thousand five hundred but fewer than one hundred fifty-one
90 thousand six hundred inhabitants. Only those buildings certified as being flood
91 proofed in accordance with the Federal Emergency Management Agency's
92 standards for flood proofing by the authority shall be eligible for the state sales

93 tax increment and the state income tax increment. Subject to the limitation set
94 forth in this subdivision, the development area can be enlarged or modified as
95 provided in section 99.951;
96 (8) "Development plan", the comprehensive program of a municipality to
97 reduce or eliminate those conditions which qualified a development area as a
98 blighted area or a conservation area, and to thereby enhance the tax bases of the
99 taxing districts which extend into the development area through the
100 reimbursement, payment, or other financing of development project costs in
101 accordance with sections 99.915 to 99.980 and through the exercise of the powers
102 set forth in sections 99.915 to 99.980. The development plan shall conform to the
103 requirements of section 99.942;
104 (9) "Development project", any development project within a development
105 area which constitutes a major initiative in furtherance of the objectives of the
106 development plan, and any such development project shall include a legal
107 description of the area selected for such development project;
108 (10) "Development project area", the area located within a development
109 area selected for a development project;
110 (11) "Development project costs" include such costs to the development
111 plan or a development project, as applicable, which are expended on public
112 property, buildings, or rights-of-ways for public purposes to provide infrastructure
113 to support **[**for**]** a development project. Such costs shall only be allowed as an
114 initial expense which, to be recoverable, must be included in the costs of a
115 development plan or development project, except in circumstances of plan
116 amendments approved by the Missouri development finance board and the
117 department of economic development. Such infrastructure costs include, but are
118 not limited to, the following:
119 (a) Costs of studies, appraisals, surveys, plans, and specifications;
120 (b) Professional service costs, including, but not limited to, architectural,
121 engineering, legal, marketing, financial, planning, or special services;
122 (c) Property assembly costs, including, but not limited to, acquisition of
123 land and other property, real or personal, or rights or interests therein,
124 demolition of buildings, and the clearing and grading of land;
125 (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing
126 public buildings and fixtures;
127 (e) Costs of construction of public works or improvements;
128 (f) Financing costs, including, but not limited to, all necessary expenses

129 related to the issuance of obligations issued to finance all or any portion of the
130 infrastructure costs of one or more development projects, and which may include
131 capitalized interest on any such obligations and reasonable reserves related to
132 any such obligations;

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

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

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

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

150 (12) "Economic activity taxes", the total additional revenue from taxes
151 which are imposed by the municipality and other taxing districts, and which are
152 generated by economic activities within each development project area, which are
153 not related to the relocation of any out-of-state business into the development
154 project area, which exceed the amount of such taxes generated by economic
155 activities within such development project area in the baseline year plus, in
156 development project areas where the baseline year is the year following the year
157 in which the development project is approved by the municipality pursuant to
158 subdivision (2) of this section, the total revenue from taxes which are imposed by
159 the municipality and other taxing districts which is generated by economic
160 activities within the development project area resulting from the relocation of an
161 out-of-state business or out-of-state businesses to the development project area
162 pursuant to section 99.919; but excluding personal property taxes, taxes imposed
163 on sales or charges for sleeping rooms paid by transient guests of hotels and
164 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;

201 (16) "New job", any job defined as a new job pursuant to subdivision (11)
202 of section 100.710, RSMo;
203 (17) "Obligations", bonds, loans, debentures, notes, special certificates, or
204 other evidences of indebtedness issued by the municipality or authority, or other
205 public entity authorized to issue such obligations pursuant to sections 99.915 to
206 99.980 to carry out a development project or to refund outstanding obligations;
207 (18) "Ordinance", an ordinance enacted by the governing body of any
208 municipality or an order of the governing body of such a municipal entity whose
209 governing body is not authorized to enact ordinances;
210 (19) "Other net new revenues", the amount of state sales tax increment
211 or state income tax increment or the combination of the amount of each such
212 increment as determined under section 99.960;
213 (20) "Out-of-state business", a business entity or operation that has been
214 located outside of the state of Missouri prior to the time it relocates to a
215 development project area;
216 (21) "Payment in lieu of taxes", those revenues from real property in each
217 development project area, which taxing districts would have received had the
218 municipality not adopted a development plan and the municipality not adopted
219 development financing, and which would result from levies made after the time
220 of the adoption of development financing during the time the current equalized
221 value of real property in such development project area exceeds the total
222 equalized value of real property in such development project area during the
223 baseline year until development financing for such development project area
224 expires or is terminated pursuant to sections 99.915 to 99.980;
225 (22) "Special allocation fund", the fund of the municipality or its authority
226 required to be established pursuant to section 99.957 which special allocation
227 fund shall contain at least four separate segregated accounts into which payments
228 in lieu of taxes are deposited in one account, economic activity taxes are deposited
229 in a second account, other net new revenues are deposited in a third account, and
230 other revenues, if any, received by the authority or the municipality for the
231 purpose of implementing a development plan or a development project are
232 deposited in a fourth account;
233 (23) "State income tax increment", up to fifty percent of the estimate of
234 the income tax due the state for salaries or wages paid to new employees in new
235 jobs at a business located in the development project area and created by the
236 development project. The estimate shall be a percentage of the gross payroll

237 which percentage shall be based upon an analysis by the department of revenue
238 of the practical tax rate on gross payroll as a factor in overall taxable income;
239 (24) "State sales tax increment", up to one-half of the incremental increase
240 in the state sales tax revenue in the development project area. In no event shall
241 the incremental increase include any amounts attributable to retail sales unless
242 the Missouri development finance board and the department of economic
243 development are satisfied based on information provided by the municipality or
244 authority, and such entities have made a finding that a substantial portion of all
245 but a de minimus portion of the sales tax increment attributable to retail sales
246 is from new sources which did not exist in the state during the baseline
247 year. The incremental increase for an existing facility shall be the amount by
248 which the state sales tax revenue generated at the facility exceeds the state sales
249 tax revenue generated at the facility in the baseline year. The incremental
250 increase in development project areas where the baseline year is the year
251 following the year in which the development project is approved by the
252 municipality pursuant to subdivision (2) of this section shall be the state sales tax
253 revenue generated by out-of-state businesses relocating into a development
254 project area. The incremental increase for a Missouri facility which relocates to
255 a development project area shall be the amount by which the state sales tax
256 revenue of the facility exceeds the state sales tax revenue for the facility in the
257 calendar year prior to relocation;
258 (25) "State sales tax revenues", the general revenue portion of state sales
259 tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes
260 that are constitutionally dedicated, taxes deposited to the school district trust
261 fund in accordance with section 144.701, RSMo, sales and use taxes on motor
262 vehicles, trailers, boats and outboard motors and future sales taxes earmarked
263 by law;
264 (26) "Taxing district's capital costs", those costs of taxing districts for
265 capital improvements that are found by the municipal governing bodies to be
266 necessary and to directly result from a development project; and
267 (27) "Taxing districts", any political subdivision of this state having the
268 power to levy taxes.

99.1082. As used in sections 99.1080 to 99.1092, unless the context clearly
2 requires otherwise, the following terms shall mean:
3 (1) "Baseline year", the calendar year prior to the adoption of an
4 ordinance by the municipality approving a redevelopment project; provided,

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

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

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

41 business district prior to redevelopment will have been a mixed use of business,
42 commercial, financial, transportation, government, and multifamily residential
43 uses;

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

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

62 (6) "Local sales tax increment", at least fifty percent of the local sales tax
63 revenue from taxes that are imposed by a municipality and its county, and that
64 are generated by economic activities within a redevelopment area over the
65 amount of such taxes generated by economic activities within such a
66 redevelopment area in the calendar year prior to the adoption of the ordinance
67 designating such a redevelopment area while financing under sections 99.1080 to
68 99.1092 remains in effect, but excluding personal property taxes, taxes imposed
69 on sales or charges for sleeping rooms paid by transient guests of hotels and
70 motels, licenses, fees, or special assessments; provided however, the governing
71 body of any county may, by resolution, exclude any portion of any countywide
72 sales tax of such county. For redevelopment projects or redevelopment plans
73 approved after August 28, 2005, if a retail establishment relocates within one
74 year from one facility within the same county and the governing body of the
75 municipality finds that the retail establishment is a direct beneficiary of tax
76 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,

113 which area shall have the following characteristics:
114 (a) It can be renovated through one or more redevelopment projects;
115 (b) It is located in the central business district;
116 (c) The redevelopment area shall not exceed ten percent of the entire
117 geographic area of the municipality. Subject to the limitation set forth in this
118 subdivision, the redevelopment area can be enlarged or modified as provided in
119 section 99.1088;
120 (13) "Redevelopment plan", the comprehensive program of a municipality
121 to reduce or eliminate those conditions which qualify a redevelopment area as a
122 blighted area or a conservation area, and to thereby enhance the tax bases of the
123 taxing districts which extend into the redevelopment area through the
124 reimbursement, payment, or other financing of redevelopment project costs in
125 accordance with sections 99.1080 to 99.1092 and through application for and
126 administration of downtown revitalization preservation program financing under
127 sections 99.1080 to 99.1092;
128 (14) "Redevelopment project", any redevelopment project within a
129 redevelopment area which constitutes a major initiative in furtherance of the
130 objectives of the redevelopment plan, and any such redevelopment project shall
131 include a legal description of the area selected for such redevelopment project;
132 (15) "Redevelopment project area", the area located within a
133 redevelopment area selected for a redevelopment project;
134 (16) "Redevelopment project costs" include such costs to the
135 redevelopment plan or a redevelopment project, as applicable, which are expended
136 on public property, buildings, or rights-of-way for public purposes to provide
137 infrastructure to support a redevelopment project, including facades. Such costs
138 shall only be allowed as an initial expense which, to be recoverable, must be
139 included in the costs of a redevelopment plan or redevelopment project, except in
140 circumstances of plan amendments approved by the department of economic
141 development. Such infrastructure costs include, but are not limited to, the
142 following:
143 (a) Costs of studies, appraisals, surveys, plans, and specifications;
144 (b) Professional service costs, including, but not limited to, architectural,
145 engineering, legal, marketing, financial, planning, or special services;
146 (c) Property assembly costs, including, but not limited to, acquisition of
147 land and other property, real or personal, or rights or interests therein,
148 demolition of buildings, and the clearing and grading of land;

149 (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing
150 public buildings and fixtures;
151 (e) Costs of construction of public works or improvements;
152 (f) Financing costs, including, but not limited to, all necessary expenses
153 related to the issuance of obligations issued to finance all or any portion of the
154 infrastructure costs of one or more redevelopment projects, and which may
155 include capitalized interest on any such obligations and reasonable reserves
156 related to any such obligations;
157 (g) All or a portion of a taxing district's capital costs resulting from any
158 redevelopment project necessarily incurred or to be incurred in furtherance of the
159 objectives of the redevelopment plan, to the extent the municipality by written
160 agreement accepts and approves such infrastructure costs;
161 (h) Payments to taxing districts on a pro rata basis to partially reimburse
162 taxes diverted by approval of a redevelopment project when all debt is retired;
163 (i) State government costs, including, but not limited to, the reasonable
164 costs incurred by the department of economic development and the department
165 of revenue in evaluating an application for and administering downtown
166 revitalization preservation financing for a redevelopment project;
167 (17) "State sales tax increment", up to one-half of the incremental increase
168 in the state sales tax revenue in the redevelopment project area provided the
169 local taxing jurisdictions commit one-half of their local sales tax to paying for
170 redevelopment project costs. The incremental increase shall be the amount by
171 which the state sales tax revenue generated at the facility or within the
172 redevelopment project area exceeds the state sales tax revenue generated at the
173 facility or within the redevelopment project area in the baseline year. For
174 redevelopment projects or redevelopment plans approved after August 28, 2005,
175 if a retail establishment relocates within one year from one facility to another
176 facility within the same county and the governing body of the municipality finds
177 that the retail establishment is a direct beneficiary of tax increment financing,
178 then for the purposes of this subdivision, the economic activity taxes generated
179 by the retail establishment shall equal the total additional revenues from
180 economic activity taxes that are imposed by a municipality or other taxing district
181 over the amount of economic activity taxes generated by the retail establishment
182 in the calendar year prior to the relocation to the redevelopment area;
183 (18) "State sales tax revenues", the general revenue portion of state sales
184 tax revenues received under section 144.020, RSMo, excluding sales taxes that

185 are constitutionally dedicated, taxes deposited to the school district trust fund in
186 accordance with section 144.701, RSMo, sales and use taxes on motor vehicles,
187 trailers, boats and outboard motors and future sales taxes earmarked by law;
188 (19) "Taxing district's capital costs", those costs of taxing districts for
189 capital improvements that are found by the municipal governing bodies to be
190 necessary and to directly result from a redevelopment project;
191 (20) "Taxing districts", any political subdivision of this state having the
192 power to levy taxes.

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

135.205. For purposes of sections 135.200 to 135.256, an area must meet
2 all the following criteria in order to qualify as an enterprise zone:
3 (1) The area is one of pervasive poverty, unemployment, and general
4 distress;
5 (2) At least sixty-five percent of the residents living in the area have
6 incomes below eighty percent of the median income of all residents within the
7 state of Missouri according to the **[**last decennial census**]** **United States Census**
8 **Bureau's American Community Survey, based on the most recent of**
9 **five-year period estimate data in which the final year of the estimate**
10 **ends in either zero or five** or other appropriate source as approved by the
11 director;
12 (3) The resident population of the area must be at least four thousand but
13 not more than seventy-two thousand at the time of designation as an enterprise
14 zone if the area lies within a metropolitan statistical area, as established by the
15 United States Census Bureau; or, if the area does not lie within a metropolitan
16 statistical area, the resident population of the area at the time of designation
17 must be at least one thousand but not more than twenty thousand inhabitants.
18 If the population of the jurisdiction of the governing authority does not meet the
19 minimum population requirements set forth in this subdivision, the population
20 of the area must be at least fifty percent of the population of the jurisdiction;
21 provided, however, no enterprise zone shall be created which consists of the total
22 area within the political boundaries of a county; and
23 (4) The level of unemployment of persons, according to the most recent

24 data available from the division of employment security or from the United States
25 Bureau of Census and approved by the director, within the area exceeds one and
26 one-half times the average rate of unemployment for the state of Missouri over
27 the previous twelve months, or the percentage of area residents employed on a
28 full-time basis is less than fifty percent of the statewide percentage of residents
29 employed on a full-time basis.

135.207. 1. (1) Any city with a population of at least three hundred fifty
2 thousand inhabitants which is located in more than one county and any city not
3 within a county, which includes an existing state designated enterprise zone
4 within the corporate limits of the city, may each, upon approval of the local
5 governing authority of the city and the director of the department of economic
6 development, designate up to three satellite zones within its corporate limits. A
7 prerequisite for the designation of a satellite zone shall be the approval by the
8 director of a plan submitted by the local governing authority of the city describing
9 how the satellite zone corresponds to the city's overall enterprise zone strategy.
10 (2) Any Missouri community classified as a village whose borders lie
11 adjacent to a city with a population in excess of three hundred fifty thousand
12 inhabitants as described in subdivision (1) of this subsection, and which has
13 within the corporate limits of the village a factory, mining operation, office, mill,
14 plant or warehouse which has at least three thousand employees and has an
15 investment in plant, machinery and equipment of at least two hundred million
16 dollars may, upon securing approval of the director and the local governing
17 authorities of the village and the adjacent city which contains an existing
18 state-designated enterprise zone, designate one satellite zone to be located within
19 the corporate limits of the village, such zone to be in addition to the six
20 authorized in subdivision (1) of this subsection.
21 (3) Any geographical area partially contained within any city not within
22 a county and partially contained within any county of the first classification with
23 a charter form of government with a population of nine hundred thousand or
24 more inhabitants, which area is comprised of a total population of at least four
25 thousand inhabitants but not more than seventy-two thousand inhabitants, and
26 which area consists of at least one fourth class city, and has within its boundaries
27 a military reserve facility and a utility pumping station having a capacity of ten
28 million cubic feet, may, upon securing approval of the director and the
29 appropriate local governing authorities as provided for in section 135.210, be
30 designated as a satellite zone, such zone to be in addition to the six authorized

31 in subdivision (1) of this subsection.

32 (4) In addition to all other satellite zones authorized in this section, any
33 home rule city with more than seventy-three thousand but less than seventy-five
34 thousand inhabitants, which includes an existing state-designated enterprise zone
35 within the corporate limits of the city, may, upon approval of the local governing
36 authority of the city and director of the department of economic development,
37 designate a satellite zone within its corporate limits. A prerequisite for the
38 designation of a satellite zone pursuant to this subdivision shall be the approval
39 by the director of the department of economic development of a plan submitted
40 by the local governing authority of such city describing how the satellite zone
41 corresponds to the city's overall enterprise zone strategy.

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

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

64 (7) In addition to all other satellite zones authorized in this section, any
65 city of the fourth classification with more than three thousand eight hundred but
66 less than four thousand inhabitants and located in more than one county and

67 which city lies adjacent to any home rule city with more than one hundred
68 thirteen thousand two hundred but less than one hundred thirteen thousand
69 three hundred inhabitants and which contains an enterprise zone may, upon
70 approval of the director and the governing authorities of the city of the fourth
71 classification and the home rule city, designate one satellite zone within its
72 corporate limits. The satellite enterprise zone authorized by this **[**subsection**]**
73 **subdivision** shall be designated only if it meets the criteria established by
74 subsection 2 of this section. Retail businesses, as identified by the 1997 North
75 American Industry Classification System (NAICS) sector numbers 44-45, located
76 within the satellite enterprise zone shall be eligible for all benefits provided
77 under the provisions of sections 135.200 to 135.258.

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

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

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

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

98 (4) The level of unemployment of persons, according to the most recent
99 data available from the division of employment security or from the United States
100 Bureau of Census and approved by the director, within the area exceeds one and
101 one-half times the average rate of unemployment for the state of Missouri over
102 the previous twelve months, or the percentage of area residents employed on a

103 full-time basis is less than sixty percent of the statewide percentage of residents
104 employed on a full-time basis.
105 3. A qualified business located within a satellite zone shall be subject to
106 the same eligibility criteria and can be eligible to receive the same benefits as a
107 qualified facility in sections 135.200 to 135.258.

135.230. 1. The exemption or credit established and allowed by section
2 135.220 and the credits allowed and established by subdivisions (1), (2), (3) and
3 (4) of subsection 1 of section 135.225 shall be granted with respect to any new
4 business facility located within an enterprise zone for a vested period not to
5 exceed ten years following the date upon which the new business facility
6 commences operation within the enterprise zone and such exemption shall be
7 calculated, for each succeeding year of eligibility, in accordance with the formulas
8 applied in the initial year in which the new business facility is certified as such,
9 subject, however, to the limitation that all such credits allowed in sections
10 135.225 and 135.235 and the exemption allowed in section 135.220 shall be
11 removed not later than fifteen years after the enterprise zone is designated as
12 such. No credits shall be allowed pursuant to subdivision (1), (2), (3) or (4) of
13 subsection 1 of section 135.225 or section 135.235 and no exemption shall be
14 allowed pursuant to section 135.220 unless the number of new business facility
15 employees engaged or maintained in employment at the new business facility for
16 the taxable year for which the credit is claimed equals or exceeds two or the new
17 business facility is a revenue-producing enterprise as defined in paragraph (d) of
18 subdivision (6) of section 135.200. In order to qualify for either the exemption
19 pursuant to section 135.220 or the credit pursuant to subdivision (4) of subsection
20 1 of section 135.225, or both, it shall be required that at least thirty percent of
21 new business facility employees, as determined by subsection 4 of section 135.110,
22 meet the criteria established in section 135.240 or are residents of an enterprise
23 zone or some combination thereof, except taxpayers who establish a new business
24 facility by operating a revenue-producing enterprise as defined in paragraph (d)
25 of subdivision (6) of section 135.200 or any taxpayer that is an insurance company
26 that established a new business facility satisfying the requirements of subdivision
27 (8) of section 135.100 located within an enterprise zone after June 30, 1993, and
28 before December 31, 1994, and that employs in excess of three hundred fifty new
29 business facility employees at such facility each tax period for which the credits
30 allowable pursuant to subdivisions (1) to (4) of subsection 1 of section 135.225 are
31 claimed shall not be required to meet such requirement. A new business facility

32 described as SIC 3751 shall be required to employ fifteen percent of such
33 employees instead of the required thirty percent. For the purpose of satisfying
34 the thirty-percent requirement, residents must have lived in the enterprise zone
35 for a period of at least one full calendar month and must have been employed at
36 the new business facility for at least one full calendar month, and persons
37 qualifying because they meet the requirements of section 135.240 must have
38 satisfied such requirement at the time they were employed by the new business
39 facility and must have been employed at the new business facility for at least one
40 full calendar month. The director may temporarily reduce or waive this
41 requirement for any business in an enterprise zone with ten or less full-time
42 employees, and for businesses with eleven to twenty full-time employees this
43 requirement may be temporarily reduced. No reduction or waiver may be granted
44 for more than one tax period and shall not be renewable. The exemptions allowed
45 in sections 135.215 and 135.220 and the credits allowed in sections 135.225 and
46 135.235 and the refund established and authorized in section 135.245 shall not
47 be allowed to any "public utility", as such term is defined in section 386.020,
48 RSMo. For the purposes of achieving the fifteen-percent employment requirement
49 set forth in this subsection, a new business facility described as NAICS 336991
50 may count employees who were residents of the enterprise zone at the time they
51 were employed by the new business facility and for at least ninety days
52 thereafter, regardless of whether such employees continue to reside in the
53 enterprise zone, so long as the employees remain employed by the new business
54 facility and residents of the state of Missouri.

55 2. Notwithstanding the provisions of subsection 1 of this section, motor
56 carriers, barge lines or railroads engaged in transporting property for hire or any
57 interexchange telecommunications company that establish a new business facility
58 shall be eligible to qualify for the exemptions allowed in sections 135.215 and
59 135.220, and the credits allowed in sections 135.225 and 135.235 and the refund
60 established and authorized in section 135.245, except that trucks, truck-trailers,
61 truck semitrailers, rail or barge vehicles or other rolling stock for hire, track,
62 switches, bridges, barges, tunnels, rail yards and spurs shall not constitute new
63 business facility investment nor shall truck drivers or rail or barge vehicle
64 operators constitute new business facility employees.

65 3. Notwithstanding any other provision of sections 135.200 to 135.256 to
66 the contrary, motor carriers establishing a new business facility on or after
67 January 1, 1993, but before January 1, 1995, may qualify for the tax credits

68 available pursuant to sections 135.225 and 135.235 and the exemption provided
69 in section 135.220, even if such new business facility has not satisfied the
70 employee criteria, provided that such taxpayer employs an average of at least two
71 hundred persons at such facility, exclusive of truck drivers and provided that
72 such taxpayer maintains an average investment of at least ten million dollars at
73 such facility, exclusive of rolling stock, during the tax period for which such
74 credits and exemption are being claimed.

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

79 (1) The area to be expanded meets the requirements prescribed in section
80 135.207 or 135.210, whichever is applicable;

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

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

84 5. Notwithstanding the fifteen-year limitation as prescribed in subsection
85 1 of this section, any governing authority having jurisdiction of an area that has
86 been designated as an enterprise zone by the director, except one designated
87 pursuant to this subsection, may file a petition, as prescribed by the director, for
88 redesignation of such area for an additional period not to exceed seven years
89 following the fifteenth anniversary of the enterprise zone's initial designation
90 date; provided:

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

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

99 (3) The area satisfies the requirements prescribed in subdivisions (3)**[,]**
100 **and** (4) **[**and (5)**]** of section 135.205 according to the **[**latest decennial census**]**
101 **United States Census Bureau's American Community Survey, based on**
102 **the most recent of five-year period estimate data in which the final**
103 **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,**

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

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

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

5 (2) At least sixty-five percent of the population has earned income below
6 eighty percent of the median income of all residents within the state according
7 to the **[**last decennial census**]** **United States Census Bureau's American**
8 **Community Survey, based on the most recent of five-year period**
9 **estimate data in which the final year of the estimate ends in either zero**

10 **or five** or other appropriate source as approved by the director;
11 (3) The population of the area is at least four hundred but not more than
12 three thousand five hundred at the time of designation as a rural empowerment
13 zone;
14 (4) The level of unemployment of persons, according to the most recent
15 data available from the division of employment security or from the United States
16 Bureau of Census and approved by the director, within the area exceeds one and
17 one-half times the average rate of unemployment for the state of Missouri over
18 the previous twelve months, or the percentage of area residents employed on a
19 full-time basis is less than fifty percent of the statewide percentage of residents
20 employed on a full-time basis;
21 (5) The area is situated more than ten miles from any existing rural
22 empowerment zone;
23 (6) The area is situated in a county of the third classification without a
24 township form of government and with more than eight thousand nine hundred
25 twenty-five but less than nine thousand twenty-five inhabitants; and
26 (7) The area is not situated in an existing enterprise zone.
27 2. The governing body of any county in which an area may be designated
28 a rural empowerment zone shall submit to the department an application showing
29 that the area complies with the requirements of subsection 1 of this section. The
30 department shall declare the area a rural empowerment zone if upon
31 investigation the department finds that the area meets the requirements of
32 subsection 1 of this section. If the area is found not to meet the requirements,
33 the governing body shall have the opportunity to submit another application for
34 designation as a rural empowerment zone and the department shall designate the
35 area a rural empowerment zone if upon investigation the department finds that
36 the area meets the requirements of subsection 1 of this section.
37 3. There shall be no more than two rural empowerment zones as created
38 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
2 meet the following criteria in order to qualify as an enhanced enterprise zone:
3 (1) The area shall be a blighted area, have pervasive poverty,
4 unemployment and general distress; and
5 (2) At least sixty percent of the residents living in the area have incomes
6 below ninety percent of the median income of all residents:
7 (a) Within the state of Missouri, according to the **[**last decennial census**]**

8 **United States Census Bureau's American Community Survey, based on**
9 **the most recent of five-year period estimate data in which the final**
10 **year of the estimate ends in either zero or five** or other appropriate source
11 as approved by the director; or
12 (b) Within the county or city not within a county in which the area is
13 located, according to the last decennial census or other appropriate source as
14 approved by the director; and
15 (3) The resident population of the area shall be at least five hundred but
16 not more than one hundred thousand at the time of designation as an enhanced
17 enterprise zone if the area lies within a metropolitan statistical area, as
18 established by the United States Census Bureau, or if the area does not lie within
19 a metropolitan statistical area, the resident population of the area at the time of
20 designation shall be at least five hundred but not more than forty thousand
21 inhabitants. If the population of the jurisdiction of the governing authority does
22 not meet the minimum population requirements set forth in this subdivision, the
23 population of the area must be at least fifty percent of the population of the
24 jurisdiction. However, no enhanced enterprise zone shall be created which
25 consists of the total area within the political boundaries of a county; and
26 (4) The level of unemployment of persons, according to the most recent
27 data available from the United States Bureau of Census and approved by the
28 director, within the area is equal to or exceeds the average rate of unemployment
29 for:
30 (a) The state of Missouri over the previous twelve months; or
31 (b) The county or city not within a county over the previous twelve
32 months.
33 2. Notwithstanding the requirements of subsection 1 of this section to the
34 contrary, an enhanced enterprise zone may be established in an area located
35 within a county for which public and individual assistance has been requested by
36 the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and
37 Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed
38 by the governor pursuant to section 44.100, RSMo, due to a natural disaster of
39 major proportions, if the area to be designated is blighted and sustained severe
40 damage as a result of such natural disaster, as determined by the state
41 emergency management agency. An application for designation as an enhanced
42 enterprise zone pursuant to this subsection shall be made before the expiration
43 of one year from the date the governor requested federal relief for the area sought

44 to be designated.

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

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

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

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

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

3 (1) "Agricultural purposes", clearing, terracing or otherwise preparing the
4 ground on a farm; preparing soil for planting and fertilizing, cultivating, raising
5 and harvesting crops; raising and feeding livestock and poultry; building fences;
6 pumping water for any and all uses on the farm, including irrigation; building
7 roads upon any farm by the owner or person farming the same; operating milking
8 machines; sawing wood for use on a farm; producing electricity for use on a farm;
9 movement of tractors, farm implements and nonlicensed equipment from one field
10 to another;

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

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

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

24 any substance that:
25 (a) Will be ultimately used for consumer nonmotor fuel use; and
26 (b) Is sold or removed in drum quantities (fifty-five gallons) or less at the
27 time of the removal or sale;
28 (5) "Blended fuel", a mixture composed of motor fuel and another liquid
29 including blend stock, other than a de minimis amount of a product such as
30 carburetor detergent or oxidation inhibitor, that can be used as a fuel in a
31 highway vehicle. This term includes but is not limited to gasohol, ethanol,
32 methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;
33 (6) "Blender", any person that produces blended motor fuel outside the
34 bulk transfer/terminal system;
35 (7) "Blending", the mixing of one or more petroleum products, with or
36 without another product, regardless of the original character of the product
37 blended, if the product obtained by the blending is capable of use or otherwise
38 sold for use in the generation of power for the propulsion of a motor vehicle, an
39 airplane, or a motorboat. The term does not include the blending that occurs in
40 the process of refining by the original refiner of crude petroleum or the blending
41 of products known as lubricating oil and greases;
42 (8) "Bulk plant", a bulk motor fuel storage and distribution facility that
43 is not a terminal within the bulk transfer system and from which motor fuel may
44 be removed by truck;
45 (9) "Bulk transfer", any transfer of motor fuel from one location to another
46 by pipeline tender or marine delivery within the bulk transfer/terminal system;
47 (10) "Bulk transfer/terminal system", the motor fuel distribution system
48 consisting of refineries, pipelines, vessels, and terminals. Motor fuel in a
49 refinery, pipeline, boat, barge or terminal is in the bulk transfer/terminal
50 system. Motor fuel in the fuel supply tank of any engine, or in any tank car, rail
51 car, trailer, truck, or other equipment suitable for ground transportation is not
52 in the bulk transfer/terminal system;
53 (11) "Consumer", the user of the motor fuel;
54 (12) "Delivery", the placing of motor fuel or any liquid into the fuel tank
55 of a motor vehicle or bulk storage facility;
56 (13) "Department", the department of revenue;
57 (14) "Destination state", the state, territory, or foreign country to which
58 motor fuel is directed for delivery into a storage facility, a receptacle, a container,
59 or a type of transportation equipment for the purpose of resale or use;

60 (15) "Diesel fuel", any liquid that is commonly or commercially known or
61 sold as a fuel that is suitable for use in a diesel-powered highway vehicle. A
62 liquid meets this requirement if, without further processing or blending, the
63 liquid has practical and commercial fitness for use in the propulsion engine of a
64 diesel-powered highway vehicle. "Diesel fuel" does not include jet fuel sold to a
65 buyer who is registered with the Internal Revenue Service to purchase jet fuel
66 and remit taxes on its sale or use to the Internal Revenue Service. "Diesel fuel"
67 does not include biodiesel commonly referred to as B100 and defined in ASTM
68 D6751, B99, or B99.9 until such biodiesel is blended with other diesel fuel or sold
69 for highway use;
70 (16) "Diesel-powered highway vehicle", a motor vehicle operated on a
71 highway that is propelled by a diesel-powered engine;
72 (17) "Director", the director of revenue;
73 (18) "Distributor", a person who either produces, refines, blends,
74 compounds or manufactures motor fuel, imports motor fuel into a state or exports
75 motor fuel out of a state, or who is engaged in distribution of motor fuel;
76 (19) "Dyed fuel", diesel fuel or kerosene that is required to be dyed
77 pursuant to United States Environmental Protection Agency rules or is dyed
78 pursuant to Internal Revenue Service rules or pursuant to any other
79 requirements subsequently set by the United States Environmental Protection
80 Agency or Internal Revenue Service including any invisible marker requirements;
81 (20) "Eligible purchaser", a distributor who has been authorized by the
82 director to purchase motor fuel on a tax-deferred basis;
83 (21) "Export", to obtain motor fuel in this state for sale or other
84 distribution outside of this state. In applying this definition, motor fuel delivered
85 out of state by or for the seller constitutes an export by the seller, and motor fuel
86 delivered out of state by or for the purchaser constitutes an export by the
87 purchaser;
88 (22) "Exporter", any person, other than a supplier, who purchases motor
89 fuel in this state for the purpose of transporting or delivering the fuel outside of
90 this state;
91 (23) "Farm tractor", all tractor-type, motorized farm implements and
92 equipment but shall not include motor vehicles of the truck-type, pickup
93 truck-type, automobiles, and other motor vehicles required to be registered and
94 licensed each year pursuant to the provisions of the motor vehicle license and
95 registration laws of this state;

96 (24) "Fuel grade alcohol", a methanol or ethanol with a proof of not less
97 than one hundred ninety degrees (determined without regard to denaturants) and
98 products derived from such alcohol for blending with motor fuel;
99 (25) "Fuel transportation vehicle", any vehicle designed for highway use
100 which is also designed or used to transport motor fuels and includes transport
101 trucks and tank wagons;
102 (26) "Gasoline", all products commonly or commercially known or sold as
103 gasoline that are suitable for use as a motor fuel. Gasoline does not include
104 products that have an American Society for Testing and Materials (ASTM) octane
105 number of less than seventy-five as determined by the motor method;
106 (27) "Gross gallons", the total measured motor fuel, exclusive of any
107 temperature or pressure adjustments, in U.S. gallons;
108 (28) "Heating oil", a motor fuel that is burned in a boiler, furnace, or stove
109 for heating or industrial processing purposes;
110 (29) "Import", to bring motor fuel into this state by any means of
111 conveyance other than in the fuel supply tank of a motor vehicle. In applying
112 this definition, motor fuel delivered into this state from out-of-state by or for the
113 seller constitutes an import by the seller, and motor fuel delivered into this state
114 from out-of-state by or for the purchaser constitutes an import by the purchaser;
115 (30) "Import verification number", the number assigned by the director
116 with respect to a single transport truck delivery into this state from another state
117 upon request for an assigned number by an importer or the transporter carrying
118 motor fuel into this state for the account of an importer;
119 (31) "Importer" includes any person who is the importer of record,
120 pursuant to federal customs law, with respect to motor fuel. If the importer of
121 record is acting as an agent, the person for whom the agent is acting is the
122 importer. If there is no importer of record of motor fuel entered into this state,
123 the owner of the motor fuel at the time it is brought into this state is the
124 importer;
125 (32) **[**"Indian country":
126 (a) Land held in trust by the United States of America for the benefit of
127 a federally recognized Indian tribe or nation;
128 (b) All land within the limits of any Indian reservation under the
129 jurisdiction of the United States government, notwithstanding the issuance of any
130 patent, and including rights-of-way running through the reservation;
131 (c) All dependent Indian communities within the borders of the United

132 States whether within the original or subsequently acquired territory thereof, and
133 whether within or without the limits of a state; and
134 (d) All Indian allotments, the Indian titles to which have not been
135 extinguished, including individual allotments held in trust by the United States
136 or allotments owned in fee by individual Indians subject to federal law
137 restrictions regarding disposition of said allotments and including rights-of-way
138 running through the same. The term shall also include the definition of Indian
139 country as found in 18 U.S.C., Section 1151;
140 (33) "Indian tribe", "tribes", or "federally recognized Indian tribe or
141 nation", an Indian tribal entity which is recognized by the United States Bureau
142 of Indian Affairs as having a special relationship with the United States. The
143 term shall also include the definition of a tribe as defined in 25 U.S.C., Section
144 479a;
145 (34)**]** "Interstate motor fuel user", any person who operates a motor
146 fuel-powered motor vehicle with a licensed gross weight exceeding twenty-six
147 thousand pounds that travels from this state into another state or from another
148 state into this state;
149 **[**(35)**]** **(33)** "Invoiced gallons", the gallons actually billed on an invoice for
150 payment to a supplier which shall be either gross or net gallons on the original
151 manifest or bill of lading;
152 **[**(36)**]** **(34)** "K-1 kerosene", a petroleum product having an A.P.I. gravity
153 of not less than forty degrees, at a temperature of sixty degrees Fahrenheit and
154 a minimum flash point of one hundred degrees Fahrenheit with a sulfur content
155 not exceeding four one-hundredths percent by weight;
156 **[**(37)**]** **(35)** "Kerosene", the petroleum fraction containing hydrocarbons
157 that are slightly heavier than those found in gasoline and naphtha, with a boiling
158 range of one hundred forty-nine to three hundred degrees Celsius;
159 **[**(38)**]** **(36)** "Liquid", any substance that is liquid in excess of sixty
160 degrees Fahrenheit and at a pressure of fourteen and seven-tenths pounds per
161 square inch absolute;
162 **[**(39)**]** **(37)** "Motor fuel", gasoline, diesel fuel, kerosene and blended fuel;
163 **[**(40)**]** **(38)** "Motor vehicle", any automobile, truck, truck-tractor or any
164 motor bus or self-propelled vehicle not exclusively operated or driven upon fixed
165 rails or tracks. The term does not include:
166 (a) Farm tractors or machinery including tractors and machinery designed
167 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

204 or any facility that stores motor fuel;

205 **[**(52)**]** **(50)** "Retailer", a person that engages in the business of selling or
206 dispensing to the consumer within this state;

207 **[**(53)**]** **(51)** "Supplier", a person that is:

208 (a) Registered or required to be registered pursuant to 26 U.S.C., Section
209 4101, for transactions in motor fuels in the bulk transfer/terminal distribution
210 system; and

211 (b) One or more of the following:

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

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

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

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

228 **[**(54)**]** **(52)** "Tank wagon", a straight truck having multiple compartments
229 designed or used to carry motor fuel;

230 **[**(55)**]** **(53)** "Terminal", a bulk storage and distribution facility which
231 includes:

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

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

235 **[**(56)**]** **(54)** "Terminal bulk transfers" include but are not limited to the
236 following:

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

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

240 terminal;
241 (c) Book transfers of product within a terminal between suppliers prior
242 to completion of removal across the rack; and
243 (d) Two-party exchanges or buy-sell supply arrangements within a
244 terminal between licensed suppliers;
245 **[**(57)**]** **(55)** "Terminal operator", any person that owns, operates, or
246 otherwise controls a terminal. A terminal operator may own the motor fuel that
247 is transferred through or stored in the terminal;
248 **[**(58)**]** **(56)** "Transmix", the buffer or interface between two different
249 products in a pipeline shipment, or a mix of two different products within a
250 refinery or terminal that results in an off-grade mixture;
251 **[**(59)**]** **(57)** "Transport truck", a semitrailer combination rig designed or
252 used to transport motor fuel over the highways;
253 **[**(60)**]** **(58)** "Transporter", any operator of a pipeline, barge, railroad or
254 transport truck engaged in the business of transporting motor fuels;
255 **[**(61)**]** **(59)** "Two-party exchange", a transaction in which the motor fuel
256 is transferred from one licensed supplier or licensed permissive supplier to
257 another licensed supplier or licensed permissive supplier and:
258 (a) Which transaction includes a transfer from the person that holds the
259 original inventory position for motor fuel in the terminal as reflected on the
260 records of the terminal operator; and
261 (b) The exchange transaction is simultaneous with removal from the
262 terminal by the receiving exchange partner. However, in any event, the terminal
263 operator in its books and records treats the receiving exchange party as the
264 supplier which removes the product across a terminal rack for purposes of
265 reporting such events to this state;
266 **[**(62)**]** **(60)** "Ultimate vendor", a person that sells motor fuel to the
267 consumer;
268 **[**(63)**]** **(61)** "Undyed diesel fuel", diesel fuel that is not subject to the
269 United States Environmental Protection Agency dyeing requirements, or has not
270 been dyed in accordance with Internal Revenue Service fuel dyeing provisions;
271 and
272 **[**(64)**]** **(62)** "Vehicle fuel tank", any receptacle on a motor vehicle from
273 which fuel is supplied for the propulsion of the motor vehicle.

142.815. 1. Motor fuel used for the following nonhighway purposes is
2 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

39 remit tax to the destination state; or which is destined for use within the
40 destination state by the federal government for which an exemption has been
41 made available by the destination state subject to procedural rules and
42 regulations promulgated by the director; or

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

55 (2) Undyed K-1 kerosene sold at retail through dispensers which have
56 been designed and constructed to prevent delivery directly from the dispenser
57 into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through
58 nonbarricaded dispensers in quantities of not more than twenty-one gallons for
59 use other than for highway purposes. Exempt use of undyed kerosene shall be
60 governed by rules and regulations of the director. If no rules or regulations are
61 promulgated by the director, then the exempt use of undyed kerosene shall be
62 governed by rules and regulations of the Internal Revenue Service. A distributor
63 or supplier delivering to a retail facility shall obtain an exemption certificate from
64 the owner or operator of such facility stating that its sales conform to the
65 dispenser requirements of this subdivision. A licensed distributor, having
66 obtained such certificate, may provide a copy to his or her supplier and obtain
67 undyed kerosene without the tax levied by section 142.803. Having obtained such
68 certificate in good faith, such supplier shall be relieved of any responsibility if the
69 fuel is later used in a taxable manner. An ultimate vendor who obtained undyed
70 kerosene upon which the tax levied by section 142.803 had been paid and makes
71 sales qualifying pursuant to this subsection may apply for a refund of the tax
72 pursuant to application, as provided in section 142.818, to the director provided
73 the ultimate vendor did not charge such tax to the consumer;

74 (3) Motor fuel sold to the United States or any agency or instrumentality

75 thereof. This exemption shall be claimed as provided in section 142.818;

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

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

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

99 **[**(7)**]** **(6)** Motor fuel acquired by a consumer out-of-state and carried into
100 this state, retained within and consumed from the same vehicle fuel supply tank
101 within which it was imported, except interstate motor fuel users;

102 **[**(8)**]** **(7)** Motor fuel which was purchased tax-paid and which was lost or
103 destroyed as a direct result of a sudden and unexpected casualty or which had
104 been accidentally contaminated so as to be unsalable as highway fuel as shown
105 by proper documentation as required by the director. The exemption pursuant
106 to this subdivision shall be refunded to the person or entity owning the motor fuel
107 at the time of the contamination or loss. Such person shall notify the director in
108 writing of such event and the amount of motor fuel lost or contaminated within
109 ten days from the date of discovery of such loss or contamination, and within
110 thirty days after such notice, shall file an affidavit sworn to by the person having

111 immediate custody of such motor fuel at the time of the loss or contamination,
112 setting forth in full the circumstances and the amount of the loss or
113 contamination and such other information with respect thereto as the director
114 may require;

115 **[**(9)**]** **(8)** Dyed diesel fuel or dyed kerosene used for an exempt
116 purpose. This exemption shall be claimed as follows:

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

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

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

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

11 2.**]** For all tax years beginning on or after January 1, 1994, an individual
12 taxpayer shall be allowed a deduction for his federal income tax liability under
13 chapter 1 of the Internal Revenue Code for the same taxable year for which the
14 Missouri return is being filed, not to exceed five thousand dollars on a single
15 taxpayer's return or ten thousand dollars on a combined return, after reduction
16 for all credits thereon, except the credit for payments of federal estimated tax, the
17 credit for the overpayment of any federal tax, and the credits allowed by the
18 Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of
19 foreign country and United States possessions), and section 34 (tax on certain
20 uses of gasoline, special fuels, and lubricating oils).

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

30 **[**4.**]** **3.** If a federal income tax liability for a tax year prior to the
31 applicability of sections 143.011 to 143.996 for which he was not previously
32 entitled to a Missouri deduction is later paid or accrued, he may deduct the
33 federal tax in the later year to the extent it would have been deductible if paid
34 or accrued in the prior year.

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

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

23 (1) The coordinating board for higher education shall have approval of
24 proposed new degree programs to be offered by the state institutions of higher
25 education;
26 (2) The coordinating board for higher education may promote and
27 encourage the development of cooperative agreements between Missouri public
28 four-year institutions of higher education which do not offer graduate degrees and
29 Missouri public four-year institutions of higher education which do offer graduate
30 degrees for the purpose of offering graduate degree programs on campuses of
31 those public four-year institutions of higher education which do not otherwise
32 offer graduate degrees. Such agreements shall identify the obligations and duties
33 of the parties, including assignment of administrative responsibility. Any
34 diploma awarded for graduate degrees under such a cooperative agreement shall
35 include the names of both institutions inscribed thereon. Any cooperative
36 agreement in place as of August 28, 2003, shall require no further approval from
37 the coordinating board for higher education. Any costs incurred with respect to
38 the administrative provisions of this subdivision may be paid from state funds
39 allocated to the institution assigned the administrative authority for the
40 program. The provisions of this subdivision shall not be construed to invalidate
41 the provisions of subdivision (1) of this subsection;
42 (3) In consultation with the heads of the institutions of higher education
43 affected and against a background of carefully collected data on enrollment,
44 physical facilities, manpower needs, institutional missions, the coordinating board
45 for higher education shall establish guidelines for appropriation requests by those
46 institutions of higher education; however, other provisions of the Reorganization
47 Act of 1974 notwithstanding, all funds shall be appropriated by the general
48 assembly to the governing board of each public four-year institution of higher
49 education which shall prepare expenditure budgets for the institution;
50 (4) No new state-supported senior colleges or residence centers shall be
51 established except as provided by law and with approval of the coordinating board
52 for higher education;
53 (5) The coordinating board for higher education shall establish admission
54 guidelines consistent with institutional missions;
55 (6) The coordinating board shall establish policies and procedures for
56 institutional decisions relating to the residence status of students;
57 (7) The coordinating board shall establish guidelines to promote and
58 facilitate the transfer of students between institutions of higher education within

59 the state and shall ensure that as of the 2008-09 academic year, in order to
60 receive increases in state appropriations, all approved public two- and four-year
61 public institutions shall work with the commissioner of higher education to
62 establish agreed-upon competencies for all entry-level collegiate courses in
63 English, mathematics, foreign language, sciences, and social sciences associated
64 with an institution's general education core and that the coordinating board shall
65 establish policies and procedures to ensure such courses are accepted in transfer
66 among public institutions and treated as equivalent to similar courses at the
67 receiving institutions. The department of elementary and secondary education
68 shall align such competencies with the assessments found in section 160.518,
69 RSMo, and successor assessments;

70 (8) The coordinating board shall collect the necessary information and
71 develop comparable data for all institutions of higher education in the state.
72 The coordinating board shall use this information to delineate the areas of
73 competence of each of these institutions and for any other purposes deemed
74 appropriate by the coordinating board;

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

79 (10) If any institution of higher education in this state, public or private,
80 willfully fails or refuses to follow any lawful guideline, policy or procedure
81 established or prescribed by the coordinating board, or knowingly deviates from
82 any such guideline, or knowingly acts without coordinating board approval where
83 such approval is required, or willfully fails to comply with any other lawful order
84 of the coordinating board, the coordinating board may, after a public hearing,
85 withhold or direct to be withheld from that institution any funds the
86 disbursement of which is subject to the control of the coordinating board, or may
87 remove the approval of the institution as an approved institution within the
88 meaning of section 173.1102. If any such public institution willfully disregards
89 board policy, the commissioner of higher education may order such institution to
90 remit a fine in an amount not to exceed one percent of the institution's current
91 fiscal year state operating appropriation to the board. The board shall hold such
92 funds until such time that the institution, as determined by the commissioner of
93 higher education, corrects the violation, at which time the board shall refund such
94 amount to the institution. If the commissioner determines that the institution

95 has not redressed the violation within one year, the fine amount shall be
96 deposited into the general revenue fund, unless the institution appeals such
97 decision to the full coordinating board, which shall have the authority to make
98 a binding and final decision, by means of a majority vote, regarding the
99 matter. However, nothing in this section shall prevent any institution of higher
100 education in this state from presenting additional budget requests or from
101 explaining or further clarifying its budget requests to the governor or the general
102 assembly; and

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

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

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

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

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

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

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

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

121 b. The board's approval process of degree programs and courses offered
122 by any out-of-state public institutions of higher education that, prior to July 1,
123 2008, were approved by the board to operate a school in compliance with the
124 provisions of sections 173.600 to 173.618.

125 The rules shall ensure that, as of July 1, 2008, all out-of-state public institutions
126 seeking to offer degrees and courses within the state of Missouri are evaluated
127 in a manner similar to Missouri public higher education institutions. Such
128 out-of-state public institutions shall be held to standards no lower than the
129 standards established by the coordinating board for program approval and the
130 policy guidelines of the coordinating board for data collection, cooperation, and

131 resolution of disputes between Missouri institutions of higher education under
132 this section. Any such out-of-state public institutions of higher education wishing
133 to continue operating within this state must be approved by the board under the
134 rules promulgated under this subdivision. Any rule or portion of a rule, as that
135 term is defined in section 536.010, RSMo, that is created under the authority
136 delegated in this section shall become effective only if it complies with and is
137 subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
138 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any
139 of the powers vested with the general assembly under chapter 536, RSMo, to
140 review, to delay the effective date, or to disapprove and annul a rule are
141 subsequently held unconstitutional, then the grant of rulemaking authority and
142 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

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

147 3. The coordinating board shall meet at least four times annually with an
148 advisory committee who shall be notified in advance of such meetings. The
149 coordinating board shall have exclusive voting privileges. The advisory
150 committee shall consist of thirty-two members, who shall be the president or
151 other chief administrative officer of the University of Missouri; the chancellor of
152 each campus of the University of Missouri; the president of each state-supported
153 four-year college or university, including Harris-Stowe State University, Missouri
154 Southern State University, Missouri Western State University, and Lincoln
155 University; the president of Linn State Technical College; the president or
156 chancellor of each public community college district; and representatives of each
157 of five accredited private institutions selected biennially, under the supervision
158 of the coordinating board, by the presidents of all of the state's privately
159 supported institutions; but always to include at least one representative from one
160 privately supported community college, one privately supported four-year college,
161 and one privately supported university. The conferences shall enable the
162 committee to advise the coordinating board of the views of the institutions on
163 matters within the purview of the coordinating board.

164 4. The University of Missouri, Lincoln University, and all other
165 state-governed colleges and universities, chapters 172, 174 and 175, RSMo, and
166 others, are transferred by type III transfers to the department of higher education

167 subject to the provisions of subsection 2 of this section.

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

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

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

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

189 9. All the powers, duties, functions, personnel and property of the state
190 library and state library commission, chapter 181, RSMo, and others, are
191 transferred by type I transfer to the coordinating board for higher education, and
192 the state library commission is abolished. The coordinating board shall appoint
193 a state librarian who shall administer the affairs of the state library under the
194 supervision of the board.

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

174.020. 1. Except as provided in subsection 5 of this section, state

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

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

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

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

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

178.637. **[**1. Within twelve months after August 28, 1995, and after the
2 conditions of section 178.631 are satisfied, the board of regents of Linn State
3 Technical College shall submit to the coordinating board for higher education, for
4 the approval of the coordinating board, a five-year plan outlining the changes
5 necessary for the institution to realize its new mission as a state technical
6 college. The plan shall include, but shall not be limited to, such issues as

7 admissions policies, new degrees programs to be developed, plans for attaining
8 regional accreditation as a postsecondary institution, provisions for assessment
9 of student learning and overall institutional performance, a fiscal plan for
10 achieving institutional priorities, measurable goals and objectives for the
11 institution, and specific provisions for coordinating with existing community
12 colleges and area vocational technical schools. As this plan is developed it shall
13 be assumed that tuition and fees for this institution shall be comparable to public
14 four-year institutions rather than public two-year institutions. A copy of the
15 five-year plan shall also be submitted to the state board of education for its
16 review and comment, and the coordinating board shall give due consideration to
17 the views of the state board in its approval process for the plan.

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

43 funded in whole or in part by local funds, unless the cost of the program is paid
44 by the state. The plan shall further indicate and anticipate the role of
45 telecommunications in delivery of classes between Linn State Technical College,
46 area community colleges and area vocational sites. The coordinating board shall
47 make such recommendations regarding any improvements in the postsecondary
48 vocational education delivery system as it deems appropriate and shall report its
49 findings to the governor, the speaker of the house of representatives, the
50 president pro tempore of the senate, and the state board of education.

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

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

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

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

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

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

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

58 4. The balance of the sheltered workshop per diem revolving fund shall

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

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

195.060. 1. Except as provided in subsection 3 of this section, a
2 pharmacist, in good faith, may sell and dispense controlled substances to any
3 person only upon a prescription of a practitioner as authorized by statute,
4 provided that the controlled substances listed in Schedule V may be sold without
5 prescription in accordance with regulations of the department of health and
6 senior services. All written prescriptions shall be signed by the person
7 prescribing the same. All prescriptions shall be dated on the day when issued
8 and bearing the full name and address of the patient for whom, or of the owner
9 of the animal for which, the drug is prescribed, and the full name, address, and
10 the registry number under the federal controlled substances laws of the person
11 prescribing, if he is required by those laws to be so registered. If the prescription
12 is for an animal, it shall state the species of the animal for which the drug is
13 prescribed. The person filling the prescription shall either write the date of
14 filling and his own signature on the prescription or retain the date of filling and
15 the identity of the dispenser as electronic prescription information. The
16 prescription or electronic prescription information shall be retained on file by the
17 proprietor of the pharmacy in which it is filled for a period of two years, so as to
18 be readily accessible for inspection by any public officer or employee engaged in
19 the enforcement of this law. No prescription for a drug in Schedule I or II shall
20 be filled more than six months after the date prescribed; no prescription for a
21 drug in schedule I or II shall be refilled; no prescription for a drug in Schedule
22 III or IV shall be filled or refilled more than six months after the date of the
23 original prescription or be refilled more than five times unless renewed by the
24 practitioner.

25 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;

24 (15) 2-Butanone (or Methyl Ethyl Ketone or MEK);
25 (16) Toluene;
26 (17) Ephedrine, its salts, optical isomers, and salts of optical isomers;
27 (18) Norpseudoephedrine, its salts, optical isomers, and salts of optical
28 isomers;
29 (19) Phenylpropanolamine, its salts, optical isomers, and salts of optical
30 isomers;
31 (20) Pseudoephedrine, its salts, optical isomers, and salts of optical
32 isomers;
33 (21) Methylamine and its salts;
34 (22) Ethylamine and its salts;
35 (23) Propionic anhydride;
36 (24) Isosafrole;
37 (25) Safrole;
38 (26) Piperonal;
39 (27) N-Methylephedrine, its salts, optical isomers and salts of optical
40 isomers;
41 (28) N-Methylpseudoephedrine, its salts, optical isomers and salts of
42 optical isomers;
43 (29) Benzaldehyde;
44 (30) Nitroethane;
45 (31) Methyl Isobutyl Ketone (MIBK);
46 (32) Sulfuric acid;
47 (33) Iodine;
48 (34) Red phosphorous;
49 (35) Gamma butyrolactone;
50 (36) 1,4 Butanediol.
51 3. **[**The chemicals listed or to be listed in the schedule in subsection 2 of
52 this section are included by whatever official, common, usual, chemical, or trade
53 name designated.
54 4.**]** The department of health and senior services by rule or regulation
55 may add substances to or delete substances from subsection 2 of this section in
56 the manner prescribed pursuant to section 195.017, if such substance is a
57 component of or may be used to produce a controlled substance.
58 **[**5. Any manufacturer, wholesaler, retailer or other person shall, prior to
59 selling, transferring, or otherwise furnishing any substance listed in subsection

60 2 of this section to a person within this state, require such person to give proper
61 identification. For the purposes of this section "proper identification" means:
62 (1) A motor vehicle operator's license or other official state-issued
63 identification which includes the residential or mailing address of the person,
64 other than a post office box number; or
65 (2) A letter of authorization from the business to which any of the
66 substances listed in subsection 2 of this section are being transferred, which shall
67 include the address of the business and business license number if the business
68 is required to have a license number; and
69 (3) A full description of how the substance is to be used; and
70 (4) The signature of the person to whom such substances are
71 transferred. The person selling, transferring, or otherwise furnishing any
72 substance listed in subsection 2 of this section shall affix his signature, to the
73 document which evidences that a sale or transfer has been made, as a witness to
74 the signature and proper identification of the person purchasing such substance.
75 6. Any manufacturer, wholesaler, retailer, or other person who sells,
76 transfers, or otherwise furnishes any substance listed in subsection 2 of this
77 section to a person shall keep records and inventories of all such chemicals in
78 conformance with the record-keeping and inventory requirements of federal law,
79 and in accordance with any additional regulations of the department of health
80 and senior services.
81 7. The department of health and senior services is authorized to inspect
82 the establishment of a registrant or applicant in accordance with the provisions
83 of sections 195.005 to 195.425.
84 8. This section shall not apply to any of the following:
85 (1) Any pharmacist, pharmacy, or other authorized person who sells or
86 furnishes a substance listed in subsection 2 of this section upon the prescription
87 or order of a physician, dentist, podiatrist or veterinarian;
88 (2) Any physician, optometrist, dentist, podiatrist or veterinarian who
89 administers, dispenses or furnishes a substance listed in subsection 2 of this
90 section to his or her patients within the scope of his or her professional
91 practice. Such administration or dispensing shall be recorded in the patient
92 record;
93 (3) Any sale, transfer, furnishing or receipt of any drug which contains
94 any substance listed in subsection 2 of this section and which is lawfully sold,
95 transferred, or furnished over the counter without a prescription pursuant to the

96 federal Food, Drug and Cosmetic Act or regulations adopted thereunder.
97 9. (1) Any violation of subsection 5 of this section shall be a class D
98 felony.
99 (2) Any person subject to subsection 6 of this section who does not keep
100 records or inventory as required or who knowingly documents false or fictitious
101 information shall be guilty of a class D felony and subject to a fine not exceeding
102 ten thousand dollars.
103 (3) Any person who is found guilty a second time of not keeping records
104 or inventory as required in subsection 6 of this section or who knowingly
105 documents false or fictitious information shall be guilty of a class C felony and
106 subject to a fine not exceeding one hundred thousand dollars.**]**

197.305. As used in sections 197.300 to 197.366, the following terms
2 mean:
3 (1) "Affected persons", the person proposing the development of a new
4 institutional health service, the public to be served, and health care facilities
5 within the service area in which the proposed new health care service is to be
6 developed;
7 (2) "Agency", the certificate of need program of the Missouri department
8 of health and senior services;
9 (3) "Capital expenditure", an expenditure by or on behalf of a health care
10 facility which, under generally accepted accounting principles, is not properly
11 chargeable as an expense of operation and maintenance;
12 (4) "Certificate of need", a written certificate issued by the committee
13 setting forth the committee's affirmative finding that a proposed project
14 sufficiently satisfies the criteria prescribed for such projects by sections 197.300
15 to 197.366;
16 (5) "Develop", to undertake those activities which on their completion will
17 result in the offering of a new institutional health service or the incurring of a
18 financial obligation in relation to the offering of such a service;
19 (6) "Expenditure minimum" shall mean:
20 (a) For beds in existing or proposed health care facilities licensed
21 pursuant to chapter 198, RSMo, and long-term care beds in a hospital as
22 described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred
23 thousand dollars in the case of capital expenditures, or four hundred thousand
24 dollars in the case of major medical equipment, provided, however, that prior to
25 January 1, 2003, the expenditure minimum for beds in such a facility and

26 long-term care beds in a hospital described in section 198.012, RSMo, shall be
27 zero, subject to the provisions of subsection 7 of section 197.318;
28 (b) For beds or equipment in a long-term care hospital meeting the
29 requirements described in 42 CFR, Section 412.23(e), the expenditure minimum
30 shall be zero; and
31 (c) For health care facilities, new institutional health services or beds not
32 described in paragraph (a) or (b) of this subdivision one million dollars in the case
33 of capital expenditures, excluding major medical equipment, and one million
34 dollars in the case of medical equipment;
35 (7) **[**"Health care facilities", hospitals, health maintenance organizations,
36 tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled
37 nursing facilities, residential care facilities and assisted living facilities, kidney
38 disease treatment centers, including freestanding hemodialysis units, diagnostic
39 imaging centers, radiation therapy centers and ambulatory surgical facilities, but
40 excluding the private offices of physicians, dentists and other practitioners of the
41 healing arts, and Christian Science sanatoriums, also known as Christian Science
42 Nursing facilities listed and certified by the Commission for Accreditation of
43 Christian Science Nursing Organization/Facilities, Inc., and facilities of
44 not-for-profit corporations in existence on October 1, 1980, subject either to the
45 provisions and regulations of Section 302 of the Labor-Management Relations Act,
46 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C.
47 401-538, and any residential care facility or assisted living facility operated by
48 a religious organization qualified pursuant to Section 501(c)(3) of the federal
49 Internal Revenue Code, as amended, which does not require the expenditure of
50 public funds for purchase or operation, with a total licensed bed capacity of one
51 hundred beds or fewer;
52 (8)**]** "Health service area", a geographic region appropriate for the effective
53 planning and development of health services, determined on the basis of factors
54 including population and the availability of resources, consisting of a population
55 of not less than five hundred thousand or more than three million;
56 **[**(9)**]** **(8)** "Major medical equipment", medical equipment used for the
57 provision of medical and other health services;
58 **[**(10)**]** **(9)** "New institutional health service":
59 (a) The development of a new health care facility costing in excess of the
60 applicable expenditure minimum;
61 (b) The acquisition, including acquisition by lease, of any health care

62 facility, or major medical equipment costing in excess of the expenditure
63 minimum;
64 (c) Any capital expenditure by or on behalf of a health care facility in
65 excess of the expenditure minimum;
66 (d) Predevelopment activities as defined in subdivision (13) hereof costing
67 in excess of one hundred fifty thousand dollars;
68 (e) Any change in licensed bed capacity of a health care facility which
69 increases the total number of beds by more than ten or more than ten percent of
70 total bed capacity, whichever is less, over a two-year period;
71 (f) Health services, excluding home health services, which are offered in
72 a health care facility and which were not offered on a regular basis in such health
73 care facility within the twelve-month period prior to the time such services would
74 be offered;
75 (g) A reallocation by an existing health care facility of licensed beds
76 among major types of service or reallocation of licensed beds from one physical
77 facility or site to another by more than ten beds or more than ten percent of total
78 licensed bed capacity, whichever is less, over a two-year period;
79 **[**(11)**]** **(10)** "Nonsubstantive projects", projects which do not involve the
80 addition, replacement, modernization or conversion of beds or the provision of a
81 new health service but which include a capital expenditure which exceeds the
82 expenditure minimum and are due to an act of God or a normal consequence of
83 maintaining health care services, facility or equipment;
84 **[**(12)**]** **(11)** "Person", any individual, trust, estate, partnership,
85 corporation, including associations and joint stock companies, state or political
86 subdivision or instrumentality thereof, including a municipal corporation;
87 **[**(13)**]** **(12)** "Predevelopment activities", expenditures for architectural
88 designs, plans, working drawings and specifications, and any arrangement or
89 commitment made for financing; but excluding submission of an application for
90 a certificate of need.

197.318. 1. **[**The provisions of section 197.317 shall not apply to a
2 residential care facility, assisted living facility, intermediate care facility or
3 skilled nursing facility only where the department of social services has first
4 determined that there presently exists a need for additional beds of that
5 classification because the average occupancy of all licensed and available
6 residential care facility, assisted living facility, intermediate care facility and
7 skilled nursing facility beds exceeds ninety percent for at least four consecutive

8 calendar quarters, in a particular county, and within a fifteen-mile radius of the
9 proposed facility, and the facility otherwise appears to qualify for a certificate of
10 need. The department's certification that there is no need for additional beds
11 shall serve as the final determination and decision of the committee. In
12 determining ninety percent occupancy, residential care facility and assisted living
13 facility shall be one separate classification and intermediate care and skilled
14 nursing facilities are another separate classification.

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

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

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

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

27 6.**]** **2.** The committee shall review all letters of intent and applications for
28 long-term care hospital beds meeting the requirements described in 42 CFR,
29 Section 412.23(e) under its criteria and standards for long-term care beds.

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

35 **[**8.**]** **4.** Notwithstanding any other provision of this chapter to the
36 contrary:

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

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

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

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

44 b. Has maintained a ninety-percent average occupancy rate for the
45 previous six quarters;
46 (c) Has made an effort to purchase beds for eighteen months following the
47 date the letter of intent to expand is submitted pursuant to paragraph (a) of this
48 subdivision. For purposes of this paragraph, an "effort to purchase" means a copy
49 certified by the offeror as an offer to purchase beds from another licensed facility
50 in the same licensure category; and
51 (d) If an agreement is reached by the selling and purchasing entities, the
52 health facilities review committee shall issue a certificate of need for the
53 expansion of the purchaser facility upon surrender of the seller's license; or
54 (e) If no agreement is reached by the selling and purchasing entities, the
55 health facilities review committee shall permit an expansion for:
56 a. A facility with more than forty beds may expand its licensed bed
57 capacity within the same licensure category by twenty-five percent or thirty beds,
58 whichever is greater, if that same licensure category in such facility has
59 experienced an average occupancy of ninety-three percent or greater over the
60 previous six quarters;
61 b. A facility with fewer than forty beds may expand its licensed bed
62 capacity within the same licensure category by twenty-five percent or ten beds,
63 whichever is greater, if that same licensure category in such facility has
64 experienced an average occupancy of ninety-two percent or greater over the
65 previous six quarters;
66 c. A facility adding beds pursuant to subparagraphs a. or b. of this
67 paragraph shall not expand by more than fifty percent of its then licensed bed
68 capacity in the qualifying licensure category;
69 (2) Any beds sold shall, for five years from the date of relicensure by the
70 purchaser, remain unlicensed and unused for any long-term care service in the
71 selling facility, whether they do or do not require a license;
72 (3) The beds purchased shall, for two years from the date of purchase,
73 remain in the bed inventory attributed to the selling facility and be considered
74 by the department of social services as licensed and available for purposes of this
75 section;
76 (4) Any residential care facility licensed pursuant to chapter 198, RSMo,
77 may relocate any portion of such facility's current licensed beds to any other
78 facility to be licensed within the same licensure category if both facilities are
79 under the same licensure ownership or control, and are located within six miles

80 of each other;

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

87 **[**9.**]** **5.** Any existing licensed and operating health care facility offering
88 long-term care services may replace one-half of its licensed beds at the same site
89 or a site not more than thirty miles from its current location if, for at least the
90 most recent four consecutive calendar quarters, the facility operates only fifty
91 percent of its then licensed capacity with every resident residing in a private
92 room. In such case:

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

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

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

104 **[**10.**]** **6.** Nothing in this section shall prohibit a health care facility
105 licensed pursuant to chapter 198, RSMo, from being replaced in its entirety
106 within fifteen miles of its existing site so long as the existing facility and
107 proposed or replacement facility have the same owner or owners regardless of
108 corporate or business structure and the health care facility being replaced
109 remains unlicensed and unused for any long-term care services whether they do
110 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
2 contrary notwithstanding, after December 31, 2001, the**]** term "health care
3 facilities" in sections 197.300 to 197.366 shall mean:

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

5 (2) Long-term care beds in a hospital as described in subdivision (3) of

subsection 1 of 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.**]**

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

9 assembly to the department of natural resources, be received and expended by the
10 department of natural resources for the purpose of assuring preservation and
11 protection of sites listed on the National Register of Historic Places, with private
12 citizens, societies, associations, corporations, municipalities and state and federal
13 agencies.

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

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

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

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

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

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

60 (a) Rules and regulations establishing criteria and a listing for the
61 determination of whether any waste or combination of wastes is hazardous for the
62 purposes of sections 260.350 to 260.430, taking into account toxicity, persistence

63 and degradability in nature, potential for accumulation in tissue, and other
64 related factors such as flammability, corrosiveness and other hazardous
65 characteristics;
66 (b) Rules and regulations for the storage, treatment and disposal of
67 hazardous wastes;
68 (c) Rules and regulations for the transportation, containerization and
69 labeling of hazardous wastes, which shall be consistent with those issued by the
70 Missouri public service commission;
71 (d) Rules and regulations establishing standards for the issuance,
72 modification, suspension, revocation or denial of such licenses and permits as are
73 consistent with the purposes of sections 260.350 to 260.430;
74 (e) Rules and regulations establishing standards and procedures for the
75 safe operation and maintenance of hazardous waste facilities in order to protect
76 the health of humans and other living organisms;
77 (f) Rules and regulations listing those wastes or combinations of wastes,
78 for which criteria have been established under paragraph (a) of this subdivision
79 and which are not compatible and which may not be stored or disposed of
80 together;
81 (g) Rules and regulations establishing procedures and requirements for
82 the reporting of the generation, storage, transportation, treatment or disposal of
83 hazardous wastes;
84 (2) Adopt and publish, after notice as required by the provisions of
85 chapter 536, RSMo, pertaining to administrative rulemaking, and public hearing,
86 a state hazardous waste management plan to provide for the safe and effective
87 management of hazardous wastes within this state. This plan shall be adopted
88 within two years after September 28, 1977, and revised at least once every five
89 years thereafter;
90 (3) Hold hearings, issue notices of hearings and subpoenas requiring the
91 attendance of witnesses and the production of evidence, administer oaths and
92 take testimony as the commission deems necessary to accomplish the purposes
93 of sections 260.350 to 260.430 or as required by any federal hazardous waste
94 management act. Unless otherwise specified in sections 260.350 to 260.430, any
95 of these powers may be exercised on behalf of the commission by any members
96 thereof or a hearing officer designated by it;
97 (4) Grant individual variances in accordance with the provisions of
98 sections 260.350 to 260.430;

99 (5) Make such orders as are necessary to implement, enforce and
100 effectuate the powers, duties and purposes of sections 260.350 to 260.430.
101 4. No rule or portion of a rule promulgated under the authority of sections
102 260.350 to 260.480 and sections 260.565 to 260.575 shall become effective unless
103 it has been promulgated pursuant to the provisions of section 536.024, RSMo.
104 5. To the extent there is a conflict concerning authority for risk-based
105 remediation rules between this section and section 644.143, RSMo, or subdivision
106 (8) of section 644.026, RSMo, this section shall prevail.
107 **[**6. Beginning July 1, 2004, a joint committee appointed by the speaker of
108 the house of representatives and the president pro tem of the senate shall
109 consider proposals for restructuring the fees paid by hazardous waste generators
110 and hazardous waste facilities. The committee shall consider options for
111 expanding the fee structure to more fairly apportion the cost of services provided
112 among all those that benefit from those services. The committee shall prepare
113 and submit a report including its recommendation for changes to the governor,
114 the house of representatives, and the senate no later than December 31, 2004.**]**

288.090. 1. Contributions shall accrue and become payable by each
2 employer for each calendar year in which he is subject to this law. Such
3 contributions shall become due and be paid by each employer to the division for
4 the fund on or before the last day of the month following each calendar quarterly
5 period of three months except when regulation requires monthly payment. Any
6 employer upon application, or pursuant to a general or special regulation, may
7 be granted an extension of time, not exceeding three months, for the making of
8 his or her quarterly contribution and wage reports or for the payment of such
9 contributions. Payment of contributions due shall be made to the treasurer
10 designated pursuant to section 288.290.
11 (1) In the payment of any contributions due, a fractional part of a cent
12 shall be disregarded unless it amounts to one-half cent or more, in which case it
13 shall be increased to one cent;
14 (2) Contributions shall not be deducted in whole or in part from the wages
15 of individuals in employment.
16 2. As of June thirtieth of each year, the division shall establish an
17 average industry contribution rate for the next succeeding calendar year for each
18 of the industrial classification divisions listed in the industrial classification
19 system established by the federal government. The average industry contribution
20 rate for each standard industrial classification division shall be computed by

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

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

53 (1) A governmental entity which, pursuant to subsection 7 of section
54 288.034, or nonprofit organization which, pursuant to subsection 8 of section
55 288.034, is, or becomes, subject to this law on or after April 27, 1972, shall pay
56 contributions due under the provisions of subsections 1 and 2 of this section

57 unless it elects, in accordance with this subdivision, to pay to the division for the
58 unemployment compensation fund an amount equal to the amount of regular
59 benefits and of one-half of the extended benefits paid, that is attributable to
60 service in the employ of such governmental entity or nonprofit organization, to
61 individuals for weeks of unemployment which begin during the effective period
62 of such election; except that, with respect to benefits paid for weeks of
63 unemployment beginning on or after January 1, 1979, any such election by a
64 governmental entity shall be to pay to the division for the unemployment
65 compensation fund an amount equal to the amount of all regular benefits and all
66 extended benefits paid that is attributable to service in the employ of such
67 governmental entity.

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

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

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

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

93 (2) Payments in lieu of contributions shall be made in accordance with the
94 provisions of paragraph (a) of this subdivision, as follows:
95 (a) At the end of each calendar quarter, or at the end of any other period
96 as determined by the director, the division shall bill the governmental entity or
97 nonprofit organization (or group of such organizations) which has elected to make
98 payments in lieu of contributions for an amount equal to the full amount of
99 regular benefits plus one-half of the amount of extended benefits paid during such
100 quarter or other prescribed period that is attributable to service in the employ of
101 such organization; except that, with respect to extended benefits paid for weeks
102 of unemployment beginning on or after January 1, 1979, which are attributable
103 to service in the employ of a governmental entity, the governmental entity shall
104 be billed for the full amount of such extended benefits.
105 (b) Payment of any bill rendered under paragraph (a) of this subdivision
106 shall be due and shall be made not later than thirty days after such bill was
107 mailed to the last known address of the governmental entity or nonprofit
108 organization or was otherwise delivered to it.
109 (c) Payments made by the governmental entity or nonprofit organization
110 under the provisions of this subsection shall not be deducted or deductible, in
111 whole or in part, from the remuneration of individuals in the employ of the
112 organization.
113 (d) Past due payments of amounts in lieu of contributions shall be subject
114 to the same interest and penalties that apply to past due contributions. Also,
115 unpaid amounts in lieu of contributions, interest, penalties and surcharges are
116 subject to the same assessment, civil action and compromise provisions of this law
117 as apply to unpaid contributions. Further, the provisions of this law which
118 provide for the adjustment or refund of contributions shall apply to the
119 adjustment or refund of payments in lieu of contributions.
120 (3) If any governmental entity or nonprofit organization fails to timely file
121 a required quarterly wage report, the division shall assess such entity or
122 organization a penalty as provided in subsections 1 and 2 of section 288.160.
123 (4) Except as provided in subsection 4 of this section, each employer that
124 is liable for payments in lieu of contributions shall pay to the division for the
125 fund the amount of regular benefits plus the amount of one-half of extended
126 benefits paid that are attributable to service in the employ of such employer;
127 except that, with respect to benefits paid for weeks of unemployment beginning
128 on or after January 1, 1979, a governmental entity that is liable for payments in

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

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

160 4. Any employer which elects to make payments in lieu of contributions
161 into the unemployment compensation fund as provided in subdivision (1) of
162 subsection 3 of this section shall not be liable to make such payments with
163 respect to the benefits paid to any individual whose base period wages include
164 wages for previous work not classified as insured work as defined in section

165 288.030 to the extent that the unemployment compensation fund is reimbursed
166 for such benefits pursuant to Section 121 of Public Law 94-566.

167 5. **[**Any employer which elects to make payments in lieu of contributions
168 pursuant to subsection 3 of this section shall be liable for an additional surcharge
169 to the division for the unemployment compensation trust fund in an amount equal
170 to the interest rate on United States treasury bills, averaged for the previous four
171 calendar quarters, multiplied by the total benefit payments charged to the
172 employer's account. Governmental entities except cities, counties and the state
173 of Missouri which elect to make payments in lieu of contributions pursuant to
174 subsection 3 of this section shall be liable for an additional surcharge to the
175 division for the unemployment compensation fund in an amount equal to one-half
176 of the interest rate on United States treasury bills, averaged for the previous four
177 calendar quarters, multiplied by the total benefit payments charged to the
178 employer's account. The cumulative benefits charged plus the cumulative
179 surcharges pursuant to this subsection for all employers electing to make
180 payments in lieu of contributions shall not exceed the summation of total benefit
181 payments chargeable and not chargeable for the calendar quarter. The provisions
182 of this subsection shall not be effective after September 30, 1993.

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

193 7. Beginning January 1, 1994, through December 31, 1995, any employer
194 which elects to make payments in lieu of contributions pursuant to subsection 3
195 of this section shall be liable for an additional surcharge to the division for the
196 unemployment compensation trust fund. The calendar year surcharge rate will
197 be the base prime rate on corporate loans posted by at least seventy-five percent
198 of the nation's thirty largest banks as of November thirtieth of the preceding
199 year. The additional surcharge will be the surcharge rate multiplied by the total
200 benefit payments charged to the employer's account. The cumulative benefits

201 charged plus the cumulative surcharges pursuant to this subsection for all
202 employers electing to make payments in lieu of contributions shall not exceed the
203 summation of total benefit payments chargeable and not chargeable for the
204 calendar quarter.

205 8. Beginning January 1, 1996, through December 31, 1996, any employer
206 which elects to make payments in lieu of contributions pursuant to subsection 3
207 of this section shall be liable for the total benefit payments chargeable to its
208 account pursuant to the provisions of section 288.100 plus one-third of the total
209 benefit payments not charged to its account pursuant to paragraphs (a) through
210 (e) of subdivision (4) of subsection 1 of section 288.100. The remaining two-thirds
211 of the benefit payments not charged to its account pursuant to paragraphs (a)
212 through (e) of subdivision (4) of subsection 1 of section 288.100 shall be paid by
213 the unemployment compensation trust fund.

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

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

228 **[**11.**]** **6.** (1) For the purposes of this chapter, a common paymaster
229 arrangement will not exist unless approval has been obtained from the division.
230 To receive a division-approved common paymaster arrangement, the related
231 corporation designated to be the common paymaster for the related corporations
232 must notify the division in writing at least thirty days prior to the beginning of
233 the quarter in which the common paymaster reporting is to be effective. The
234 common paymaster shall furnish the name and account number of each
235 corporation in the related group that will be utilizing the one corporation as the
236 common paymaster. The common paymaster shall also notify the division at least

237 thirty days prior to any change in the related group of corporations or
238 termination of the common paymaster arrangement. The common paymaster
239 shall be responsible for keeping books and records for the payroll with respect to
240 its own employees and the concurrently employed individuals of the related
241 corporations. In order for remuneration to be eligible for the provisions
242 applicable to a common paymaster, the individuals must be concurrently
243 employed and the remuneration must be disbursed through the common
244 paymaster. The common paymaster shall have the primary responsibility for
245 remitting all required quarterly contribution and wage reports, contributions due
246 with respect to the remuneration it disburses as the common paymaster and/or
247 payments in lieu of contributions. The common paymaster shall compute the
248 contributions due as though it were the sole employer of the concurrently
249 employed individuals. If the common paymaster fails to remit the quarterly
250 contribution and wage reports, contributions due and/or payments in lieu of
251 contributions, in whole or in part, it shall remain liable for submitting the
252 quarterly contribution and wage reports and the full amount of the unpaid
253 portion of the contributions due and/or payments in lieu of contributions. In
254 addition, each of the related corporations using the common paymaster shall be
255 jointly and severally liable for submitting quarterly contribution and wage
256 reports, its share of the contributions due and/or payments in lieu of
257 contributions, penalties, interest and surcharges which are not submitted and/or
258 paid by the common paymaster. All contributions due, payments in lieu of
259 contributions, penalties, interest and surcharges which are not timely paid to the
260 division under a common paymaster arrangement shall be subject to the collection
261 provisions of this chapter.

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

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

272 (a) The corporations are members of a "controlled group of

273 corporations". The term "controlled group of corporations" means:
274 a. Two or more corporations connected through stock ownership with a
275 common parent corporation, if the parent corporation owns stock possessing at
276 least fifty percent of the total combined voting power of all classes of stock
277 entitled to vote or at least fifty percent of the total value of shares of all classes
278 of stock of each of the other corporations; or
279 b. Two or more corporations, if five or less persons who are individuals,
280 estates or trusts own stock possessing at least fifty percent of the total combined
281 voting power of all classes of stock entitled to vote or at least fifty percent of the
282 total value of shares of all classes of stock of each of the other corporations; or
283 (b) In the case of corporations which do not issue stock, at least fifty
284 percent of the members of one corporation's board of directors are members of the
285 board of directors of the other corporations; or
286 (c) At least fifty percent of one corporation's officers are concurrently
287 officers of the other corporations; or
288 (d) At least thirty percent of one corporation's employees are concurrently
289 employees of the other corporations.

303.026. 1. The director shall inform each owner who registers a motor
2 vehicle of the following:
3 (1) The existence of the requirement that every motor vehicle owner in the
4 state must maintain his financial responsibility;
5 (2) The requirement that every motor vehicle owner show an insurance
6 identification card, or a copy thereof, or other proof of financial responsibility at
7 the time of vehicle registration; this notice shall be given at least thirty days
8 prior to the month for renewal and shall be shown in bold, colored print;
9 (3) The penalties which apply to violations of the requirement to maintain
10 financial responsibility;
11 (4) The benefits of maintaining coverages in excess of those which are
12 required;
13 (5) The director's authority to conduct samples of Missouri motor vehicle
14 owners to ensure compliance.
15 2. No motor vehicle owner shall be issued registration for a vehicle unless
16 the owner, or his authorized agent, signs an affidavit provided by the director of
17 revenue at the time of registration of the vehicle certifying that such owner has
18 and will maintain, during the period of registration, financial responsibility with
19 respect to each motor vehicle that is owned, licensed or operated on the streets

20 or highways. The affidavit need not be notarized, but it shall be acknowledged
21 by the person processing the form. The affidavit shall state clearly and in bold
22 print the following: "Any false affidavit is a crime under section 575.050 of
23 Missouri law.". In addition, every motor vehicle owner shall show proof of such
24 financial responsibility by presenting his or her insurance identification card, as
25 described in section 303.024, or a copy thereof, or some other proof of financial
26 responsibility in the form prescribed by the director of revenue at the time of
27 registration unless such owner registers his vehicle in conjunction with a
28 reciprocity agreement entered into by the Missouri highway reciprocity
29 commission pursuant to sections 301.271 to 301.279, RSMo, or unless the owner
30 insures the vehicle according to the requirements of the division of motor carrier
31 and railroad safety pursuant to section 390.126, RSMo.

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

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

52 (2) **[**The director may require the data described in subsection 2 of section
53 303.412 to be reported by insurance companies and require reporting periods of
54 at least once per month.**]** When required by the director of revenue, each
55 insurance company shall provide to the department a record of each policy issued,

56 canceled, terminated or revoked during the period since the previous
57 report. Nothing in this section shall prohibit insurance companies from reporting
58 more frequently than once per month.
59 (3) The director may use reports described in subdivision (1) of this
60 subsection for sampling purposes as provided in this section.
61 4. Information provided to the department by an insurance company for
62 use in accordance with this section is the property of the insurer and is not
63 subject to disclosure pursuant to chapter 610, RSMo. Such information may be
64 utilized by the department for enforcement of this chapter but may not be
65 disclosed except that the department shall disclose whether an individual is
66 maintaining the required insurance coverage upon request of the following
67 individuals and agencies only:
68 (1) The individual;
69 (2) The parent or legal guardian of an individual if the individual is an
70 unemancipated minor;
71 (3) The legal guardian of the individual if the individual is legally
72 incapacitated;
73 (4) Any person who has power of attorney from the individual;
74 (5) Any person who submits a notarized release from the individual that
75 is dated no more than ninety days before the request is made;
76 (6) Any person claiming loss or injury in a motor vehicle accident in which
77 the individual is involved;
78 (7) The office of the state auditor, for the purpose of conducting any audit
79 authorized by law.
80 5. The director**[**, after consultation with the working group as provided for
81 in section 303.406,**]** may adopt any rules and regulations necessary to carry out
82 the provisions of subdivisions (1) through (3) of subsection 3 of this section. Any
83 rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
84 is created under the authority delegated in this section shall become effective
85 only if it complies with and is subject to all of the provisions of chapter 536,
86 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
87 RSMo, are nonseverable and if any of the powers vested with the general
88 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
89 or to disapprove and annul a rule are subsequently held unconstitutional, then
90 the grant of rulemaking authority and any rule proposed or adopted after August
91 28, 2000, shall be invalid and void.

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

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

110 8. To verify that financial responsibility is being maintained, the director
111 shall notify the owner or operator of the need to provide, within fifteen days,
112 proof of the existence of the required financial responsibility. The request shall
113 require the owner or the operator to state whether or not the motor vehicle was
114 insured on the verification date stated in the director's request. The request may
115 include but not be limited to a statement of the names and addresses of insurers,
116 policy numbers and expiration date of insurance coverage. Failure to provide
117 such information shall result in the suspension of the registration of the owner's
118 motor vehicle, and where applicable, the owner's or the operator's driving
119 privilege, for failing to meet such requirements, as is provided in this chapter.

313.008. All revenue received by the commission from license fees,
2 penalties, and administrative fees authorized under the provisions of sections
3 313.005 to 313.085 shall be deposited in the state treasury to the credit of the
4 "Gaming Commission Fund", and upon appropriation may be used for the
5 purposes specified in section 313.835. **[**All unobligated funds in the gaming
6 commission bingo fund on August 28, 2000, shall be transferred to the gaming
7 commission fund and the gaming commission bingo fund shall be abolished on
8 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

37 six hundred thousand in this state which has established a fund for the sole
38 purpose of the restoration, renovation and maintenance of a memorial or museum
39 or both dedicated to World War I. Appropriations from the veterans' commission
40 capital improvement trust fund to such memorial fund shall be provided only as
41 a one-time match for other funds devoted to the project and shall not exceed five
42 million dollars. Additional appropriations not to exceed ten million dollars total
43 may be made from the veterans' commission capital improvement trust fund as
44 a match to other funds for the new construction or renovation of other facilities
45 dedicated as veterans' memorials in the state. All appropriations for renovation,
46 new construction, reconstruction, and maintenance of veterans' memorials shall
47 be made only for applications received by the Missouri veterans' commission prior
48 to July 1, 2004;

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

59 (f) For payment of Missouri national guard and Missouri veterans'
60 commission expenses associated with providing medals, medallions and
61 certificates in recognition of service in the armed forces of the United States
62 during World War II and the Korean Conflict pursuant to sections 42.170 to
63 42.206, RSMo. Any funds remaining from the medals, medallions and certificates
64 shall not be transferred to any other fund and shall only be utilized for the
65 awarding of future medals, medallions, and certificates in recognition of service
66 in the armed forces; and

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

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

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

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

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

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

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

106 (e) No less than sixty percent of moneys deposited in the early childhood
107 development, education and care fund shall be appropriated as provided in this
108 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;

145 (iii) Are programs designed for special needs children;
146 (iv) Are programs that offer services during nontraditional hours and
147 weekends; or
148 (v) Are programs that serve a high concentration of low-income families;
149 **[**d. Beginning on August 28, 1998, the department of elementary and
150 secondary education and the department of social services shall initiate and
151 conduct a four-year study to evaluate the impact of early childhood development,
152 education and care in this state. The study shall consist of an evaluation of
153 children eligible for moneys pursuant to this paragraph, including an evaluation
154 of the early childhood development, education and care of those children
155 participating in such program and those not participating in the program over a
156 four-year period. At the conclusion of the study, the department of elementary
157 and secondary education and the department of social services shall, within
158 ninety days of conclusion of the study, submit a report to the general assembly
159 and the governor, with an analysis of the study required pursuant to this
160 subparagraph, all data collected, findings, and other information relevant to early
161 childhood development, education and care;**]**
162 (f) No less than ten percent of moneys deposited in the early childhood
163 development, education and care fund shall be appropriated to the department
164 of social services to provide early childhood development, education and care
165 programs through child development, education and care certificates to families
166 whose income does not exceed one hundred eighty-five percent of the federal
167 poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C.
168 9858n(2) for the purpose of funding early childhood development, education and
169 care programs as approved by the department of social services. At a minimum,
170 the certificate shall be of a value per child which is commensurate with the per
171 child payment under item (ii) of subparagraph a. of paragraph (e) of this
172 subdivision pertaining to the grants or contracts. On February first of each year
173 the department shall certify the total amount of child development, education and
174 care certificates applied for and the unused balance of the funds shall be released
175 to be used for supplementing the competitive grants and contracts program
176 authorized pursuant to paragraph (e) of this subdivision;
177 (g) No less than ten percent of moneys deposited in the early childhood
178 development, education and care fund shall be appropriated to the department
179 of social services to increase reimbursements to child-care facilities for low-income
180 children that are accredited by a recognized, early childhood accrediting

181 organization;

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

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

197 a. The adult caretaker of the children successfully participates in the
198 parents as teachers program pursuant to the provisions of sections 178.691 to
199 178.699, RSMo, a training program provided by the department on early
200 childhood development, education and care, the home-based Head Start program
201 as defined in 42 U.S.C. 9832 or a similar program approved by the department;

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

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

206 (j) The department of elementary and secondary education and the
207 department of social services each shall by rule promulgated pursuant to chapter
208 536, RSMo, establish guidelines for the implementation of the early childhood
209 development, education and care programs as provided in paragraphs (e) through
210 (i) of this subdivision;

211 (k) Any rule or portion of a rule, as that term is defined in section
212 536.010, RSMo, that is promulgated under the authority delegated in paragraph
213 (j) of this subdivision shall become effective only if the agency has fully complied
214 with all of the requirements of chapter 536, RSMo, including but not limited to,
215 section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking
216 authority delegated prior to August 28, 1998, is of no force and effect and

217 repealed as of August 28, 1998, however, nothing in this section shall be
218 interpreted to repeal or affect the validity of any rule adopted or promulgated
219 prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the
220 provisions of this section are nonseverable and if any of the powers vested with
221 the general assembly pursuant to section 536.028, RSMo, to review, to delay the
222 effective date, or to disapprove and annul a rule or portion of a rule are held
223 unconstitutional or invalid, the purported grant of rulemaking authority and any
224 rule so proposed and contained in the order of rulemaking shall be invalid and
225 void, except that nothing in this act shall affect the validity of any rule adopted
226 and promulgated prior to August 28, 1998;

227 (l) When the remaining net proceeds, as such term is used pursuant to
228 paragraph (d) of this subdivision, in the gaming commission fund annually
229 exceeds twenty-eight million dollars: one-half million dollars of such proceeds
230 shall be transferred annually, subject to appropriation, to the access Missouri
231 financial assistance fund, established pursuant to the provisions of sections
232 173.1101 to 173.1107, RSMo; three million dollars of such proceeds shall be
233 transferred annually, subject to appropriation, to the veterans' commission capital
234 improvement trust fund; and one million dollars of such proceeds shall be
235 transferred annually, subject to appropriation, to the Missouri national guard
236 trust fund created in section 41.214, RSMo.

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

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

10 2. The provisions of section 33.080, RSMo, to the contrary
11 notwithstanding, money in this fund shall not be transferred and placed to the
12 credit of general revenue until the amount in the fund at the end of the biennium

13 exceeds two times the amount of the appropriation from the board's funds for the
14 preceding fiscal year or, if the board requires by rule license renewal less
15 frequently than yearly, then three times the appropriation from the board's funds
16 for the preceding fiscal year. The amount, if any, in the fund which shall lapse
17 is that amount in the fund which exceeds the appropriate multiple of the
18 appropriations from the board's funds for the preceding fiscal year.

19 **[**3. Upon appointment by the governor and confirmation by the senate of
20 the board, all moneys deposited in the board of barbers fund created in section
21 328.050, RSMo, and the state board of cosmetology fund created in section
22 329.240, shall be transferred to the board of cosmetology and barber examiners
23 fund created in subsection 1 of this section. The board of barbers fund and the
24 state board of cosmetology fund shall be abolished when all moneys are
25 transferred to the board of cosmetology and barber examiners fund.**]**

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

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

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

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

21 (2) If a contract provides for a lump sum settlement at maturity, or at any

22 other time, that upon surrender of the contract at or prior to the commencement
23 of any annuity payments, the company will pay in lieu of any paid-up annuity
24 benefit a cash surrender benefit of such amount as is specified in subsections 4,
25 5, 7, and 9 of this section. The company shall reserve the right to defer the
26 payment of such cash surrender benefit for a period of six months after demand
27 therefor with surrender of the contract;

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

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

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

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

57 (a) Any prior withdrawals from or partial surrenders of the contract

58 accumulated at a rate of interest of three percent per annum; and
59 (b) The amount of any indebtedness to the company on the contract,
60 including interest due and accrued and increased by any existing additional
61 amounts credited by the company to the contract. The net considerations for a
62 given contract year used to define the minimum nonforfeiture amount shall be an
63 amount not less than zero and shall be equal to the corresponding gross
64 considerations credited to the contract during that contract year less an annual
65 contract charge of thirty dollars and less a collection charge of one dollar and
66 twenty-five cents per consideration credited to the contract during that contract
67 year. The percentages of net considerations shall be sixty-five percent of the net
68 consideration for the first contract year and eighty-seven and one-half percent of
69 the net considerations for the second and later contract years. Notwithstanding
70 the provisions of the preceding sentence, the percentage shall be sixty-five
71 percent of the portion of the total net consideration for any renewal contract year
72 which exceeds by not more than two times the sum of those portions of the net
73 considerations in all prior contract years for which the percentage was sixty-five
74 percent;
75 (2) With respect to contracts providing for fixed scheduled considerations,
76 minimum nonforfeiture amounts shall be calculated on the assumption that
77 considerations are paid annually in advance and shall be defined as for contracts
78 with flexible considerations which are paid annually with two exceptions:
79 (a) The portion of the net consideration for the first contract year to be
80 accumulated shall be the sum of sixty-five percent of the net consideration for the
81 first contract year plus twenty-two and one-half percent of the excess of the net
82 consideration for the first contract year over the lesser of the net considerations
83 for the second and third contract years;
84 (b) The annual contract charge shall be the lesser of thirty dollars or ten
85 percent of the gross annual consideration;
86 (3) With respect to contracts providing for a single consideration,
87 minimum nonforfeiture amounts shall be defined as for contracts with flexible
88 considerations except that the percentage of net consideration used to determine
89 the minimum nonforfeiture amount shall be equal to ninety percent, and the net
90 consideration shall be the gross consideration less a contract charge of
91 seventy-five dollars;
92 (4) Notwithstanding any other provision of this subsection, for any
93 contract issued on or after July 1, 2002, and before July 1, 2006, the interest rate

94 at which net considerations, prior withdrawals, and partial surrenders shall be
95 accumulated, for the purpose of determining minimum nonforfeiture amounts,
96 shall be one and one-half percent per annum.

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

103 5. For contracts which provide cash surrender benefits, such cash
104 surrender benefits available prior to maturity shall not be less than the present
105 value as of the date of surrender of that portion of the maturity value of the
106 paid-up annuity benefit which would be provided under the contract at maturity
107 arising from considerations paid prior to the time of cash surrender reduced by
108 the amount appropriate to reflect any prior withdrawals from or partial
109 surrenders of the contract, such present value being calculated on the basis of an
110 interest rate not more than one percent higher than the interest rate specified in
111 the contract for accumulating the net considerations to determine such maturity
112 value, decreased by the amount of any indebtedness to the company on the
113 contract, including interest due and accrued, and increased by any existing
114 additional amounts credited by the company to the contract. In no event shall
115 any cash surrender benefit be less than the minimum nonforfeiture amount at
116 that time. The death benefit under such contracts shall be at least equal to the
117 cash surrender benefit.

118 6. For contracts which do not provide cash surrender benefits, the present
119 value of any paid-up annuity benefit available as a nonforfeiture option at any
120 time prior to maturity shall not be less than the present value of that portion of
121 the maturity value of the paid-up annuity benefit provided under the contract
122 arising from considerations paid prior to the time the contract is surrendered in
123 exchange for, or changed to, a deferred paid-up annuity, such present value being
124 calculated for the period prior to the maturity date on the basis of the interest
125 rate specified in the contract for accumulating the net considerations to
126 determine such maturity value, and increased by any existing additional amounts
127 credited by the company to the contract. For contracts which do not provide any
128 death benefits prior to the commencement of any annuity payments, such present
129 values shall be calculated on the basis of such interest rate and the mortality

130 table specified in the contract for determining the maturity value of the paid-up
131 annuity benefit. However, in no event shall the present value of a paid-up
132 annuity benefit be less than the minimum nonforfeiture amount at that time.
133 7. For the purpose of determining the benefits calculated under
134 subsections 5 and 6 of this section, in the case of annuity contracts under which
135 an election may be made to have annuity payments commence at optional
136 maturity date, the maturity date shall be deemed to be the latest date for which
137 election shall be permitted by the contract, but shall not be deemed to be later
138 than the anniversary of the contract next following the annuitant's seventieth
139 birthday or the tenth anniversary of the contract, whichever is later.
140 8. Any contract which does not provide cash surrender benefits or does not
141 provide death benefits at least equal to the minimum nonforfeiture amount prior
142 to the commencement of any annuity payments shall include a statement in a
143 prominent place in the contract that such benefits are not provided.
144 9. Any paid-up annuity, cash surrender or death benefits available at any
145 time, other than on the contract anniversary under any contract with fixed
146 scheduled considerations, shall be calculated with allowance for the lapse of time
147 and the payment of any scheduled considerations beyond the beginning of the
148 contract year in which cessation of payment of considerations under the contract
149 occurs.
150 10. For any contract which provides, within the same contract by rider or
151 supplemental contract provision, both annuity benefits and life insurance benefits
152 that are in excess of the greater of cash surrender benefits or a return of the
153 gross considerations with interest, the minimum nonforfeiture benefits shall be
154 equal to the sum of the minimum nonforfeiture benefits for the annuity portion
155 and the minimum nonforfeiture benefits, if any, for the life insurance portion
156 computed as if each portion were a separate contract. Notwithstanding the
157 provisions of subsections 4, 5, 6, 7, and 9 of this section, additional benefits
158 payable in the event of total and permanent disability, as reversionary annuity
159 or deferred reversionary annuity benefits, or as other policy benefits additional
160 to life insurance, endowment and annuity benefits, and considerations for all such
161 additional benefits, shall be disregarded in ascertaining the minimum
162 nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that
163 may be required by this section. The inclusion of such additional benefits shall
164 not be required in any paid-up benefits, unless such additional benefits
165 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:

20 a. Has obtained a final monetary judgment in that lawsuit described in
21 paragraph (a) of this subdivision against a tort-feasor for personal injuries, or
22 wrongful death in a case in which all appeals are final;
23 b. Has exercised due diligence in enforcing the judgment; and
24 c. Has not collected the full amount of the judgment;
25 (c) Is not a corporation, company, partnership or other incorporated or
26 unincorporated commercial entity;
27 (d) Is not any entity claiming a right of subrogation;
28 (e) Was not on house arrest and was not confined in any federal, state,
29 regional, county or municipal jail, prison or other correctional facility at the time
30 he or she sustained injury from the tort-feasor;
31 (f) Has not pleaded guilty to or been found guilty of two or more felonies,
32 where such two or more felonies occurred within ten years of the occurrence of the
33 tort in question, and where either of such felonies involved a controlled substance
34 or an act of violence; and
35 (g) Is a resident of the state of Missouri or sustained personal injury or
36 death by a tort which occurred in the state of Missouri.
37 2. There is created the "Tort Victims' Compensation Fund". Unexpended
38 moneys in the fund shall not lapse at the end of the biennium as provided in
39 section 33.080, RSMo.
40 3. Any party receiving a judgment final for purposes of appeal for punitive
41 damages in any case filed in any division of any circuit court of the state of
42 Missouri shall notify the attorney general of the state of Missouri of such award,
43 except for actions claiming improper health care pursuant to chapter 538,
44 RSMo. The state of Missouri shall have a lien for deposit into the tort victims'
45 compensation fund to the extent of fifty percent of the punitive damage final
46 judgment which shall attach in any such case after deducting attorney's fees and
47 expenses. In each case, the attorney general shall serve a lien notice by certified
48 mail or registered mail upon the party or parties against whom the state has a
49 claim for collection of its share of a punitive damage final judgment. On a
50 petition filed by the state, the court, on written notice to all interested parties,
51 shall adjudicate the rights of the parties and enforce the lien. The lien shall not
52 be satisfied out of any recovery until the attorney's claim for fees and expenses
53 is paid. The state can file its lien in all cases where punitive damages are
54 awarded upon the entry of the judgment final for purposes of appeal. The state
55 cannot enforce its lien until there is a punitive damage final judgment. Cases

56 resolved by arbitration, mediation or compromise settlement prior to a punitive
57 damage final judgment are exempt from the provisions of this section. Nothing
58 in this section shall hinder or in any way affect the right or ability of the parties
59 to any claim or lawsuit to compromise or settle such claim or litigation on any
60 terms and at any time the parties desire.

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

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

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

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

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

22 (1) Consider the facts stated on the application filed pursuant to section
23 537.678;
24 (2) Obtain a copy of the final judgment, if any, from the appropriate court;
25 (3) Determine the amount of the loss to the claimant, or the victim's
26 survivors or dependents; and
27 (4) If there is no final judgment, determine the degree or extent to which
28 the victim's acts or conduct provoked, incited or contributed to the injuries or
29 death of the victim.
30 4. The claimant may present evidence and testimony on his or her own
31 behalf or may retain counsel.
32 5. Prior to any hearing, the person filing a claim shall submit reports, if
33 available, from all hospitals, physicians or surgeons who treated or examined the
34 victim for the injury for which compensation is sought. If, in the opinion of the
35 division, an examination of the injured victim or a report on the cause of death
36 of the victim would be of material aid, the division may appoint a duly qualified,
37 impartial physician to make an examination and report. A finding of the judge
38 or jury in the underlying case shall be considered as evidence.
39 6. Each and every payment shall be exempt from attachment,
40 garnishment or any other remedy available to creditors for the collection of a
41 debt, provided however, this section shall not in any way affect the right of any
42 attorney who represents or represented any claimant to collect any fee or
43 expenses to which he or she is entitled.
44 7. Payments of compensation shall not be made directly to any person
45 legally incompetent to receive them but shall be made to the parent, guardian or
46 conservator for the benefit of such minor, disabled or incapacitated person.
47 8. **For** payment of all claims from the fund **[**shall be made on the
48 following basis, to wit:
49 (1) With regard to all claims that are made during the initial claims
50 period, the division shall determine the aggregated amount of all awards made
51 on these claims. Such determination shall be made on or before June 30, 2003.
52 If the aggregate value of the awards does not exceed the total amount of money
53 in the fund, then the awards shall be paid in full on or before September 30,
54 2003. If the aggregate value of the awards does exceed the total amount of money
55 in the fund, then the awards shall be paid on a pro rata basis on or before
56 September 30, 2003;
57 (2) With regard to all claims that are made after the initial claims period**]**,

58 the division shall determine the aggregate amount of all awards made on those
59 claims filed during an annual claims period. Such determination shall be made
60 on or before the thirtieth day of June in the next succeeding year. If the
61 aggregate value of the awards does not exceed the total amount of money in the
62 fund, then the awards shall be paid in full on or before the thirtieth day of
63 September in the next succeeding year. If the aggregate value of the awards does
64 exceed the total amount of money in the fund, then the awards shall be paid on
65 a pro rata basis on or before the thirtieth day of September in the next succeeding
66 year.

67 9. If there are no funds available, then no claim shall be paid until funds
68 have accumulated in the tort victims' compensation fund and have been
69 appropriated to the division for payment to uncompensated tort victims. When
70 sufficient funds become available for payment of claims of uncompensated tort
71 victims, awards that have been determined but have not been paid shall be paid
72 in chronological order with the oldest paid first, based upon the date on which the
73 application was filed with the division. Any award pursuant to this subsection
74 that cannot be paid due to a lack of funds appropriated for payment of claims of
75 uncompensated tort victims shall not constitute a claim against the state.

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

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

7 2. **[**The office of director of the department of business and
8 administration, chapter 35, RSMo, and others, is abolished and all powers, duties,
9 personnel and property of that office, not previously reassigned by executive
10 reorganization plan no. 1 of 1973 as submitted by the governor pursuant to
11 chapter 26, RSMo, are transferred by type I transfer to the director of the
12 department of economic development. The department of business and
13 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

50 transferred by type I transfer to the department of economic development, and
51 the department of community affairs is abolished. The director of the department
52 of economic development may assume all the duties of the director of community
53 affairs or may establish within the department such subunits and advisory
54 committees as may be required to administer the programs so transferred. The
55 director of the department shall appoint all members of such committees and
56 heads of subunits.

57 **[**10.**]** **7.** The state council on the arts, chapter 185, RSMo, and others, is
58 transferred by type II transfer to the department of economic development, and
59 the members of the council shall be appointed by the director of the department.

60 **[**11.**]** **8.** The Missouri housing development commission, chapter 215,
61 RSMo, is assigned to the department of economic development, but shall remain
62 a governmental instrumentality of the state of Missouri and shall constitute a
63 body corporate and politic.

64 **[**12.**]** **9.** All the authority, powers, duties, functions, records, personnel,
65 property, matters pending and other pertinent vestiges of the division of
66 manpower planning of the department of social services are transferred by a type
67 I transfer to the "Division of Job Development and Training", which is hereby
68 created, within the department of economic development. The division of
69 manpower planning within the department of social services is abolished. The
70 provisions of section 1 of the Omnibus State Reorganization Act of 1974,
71 Appendix B, relating to the manner and procedures for transfers of state agencies
72 shall apply to the transfers provided in this section.

73 **[**13.**]** **10.** Any rule or portion of a rule, as that term is defined in section
74 536.010, RSMo, that is created under the authority delegated in this section shall
75 become effective only if it complies with and is subject to all of the provisions of
76 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
77 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
78 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
79 date, or to disapprove and annul a rule are subsequently held unconstitutional,
80 then the grant of rulemaking authority and any rule proposed or adopted after
81 August 28, 2008, shall be invalid and void.

620.1023. 1. There is hereby created in the state treasury a revolving
2 fund to be administered by the department of economic development to be known
3 as the "Business Extension Service Team Fund". The fund shall consist of all
4 moneys which may be appropriated to it by the general assembly, gifts,

5 contributions, grants or bequests received from federal, private or other sources.
6 A percentage of the moneys in such fund shall be used by the department for
7 grants or loans for qualified community development projects in order to create
8 or retain jobs in any city not within a county, any city with a population of three
9 hundred fifty thousand or more inhabitants which is located in more than one
10 county, any fourth class city with a population of at least three thousand five
11 hundred inhabitants but not more than five thousand five hundred inhabitants
12 which is located in a county of the first classification with a charter form of
13 government with a population of at least nine hundred thousand inhabitants, and
14 any third class city with a population of at least three thousand inhabitants but
15 not more than five thousand five hundred inhabitants which is located in a
16 county of the first classification with a charter form of government with a
17 population of at least nine hundred thousand inhabitants, and shall be targeted
18 toward economically blighted urban districts for new businesses, expansion of
19 existing businesses and for employee training and housing. The department may
20 require such grants or loans to be made on a matching fund basis. Any city that
21 receives funding from the business extension service team fund may use up to ten
22 percent of such grant or loan for administrative costs. As used in this
23 subdivision, "economically blighted urban districts" means areas which meet all
24 of the following criteria:
25 (1) The area is one of pervasive poverty, unemployment, and general
26 distress;
27 (2) The area is located wholly within an area which meets the
28 requirements for federal assistance under Section 119 of the Housing and
29 Community Development Act of 1974, as amended;
30 (3) At least sixty-five percent of the residents living in the area have
31 incomes below eighty percent of the median income of all residents within the
32 state of Missouri according to the **[**last decennial census**] United States Census**
33 **Bureau's American Community Survey, based on the most recent of**
34 **five-year period estimate data in which the final year of the estimate**
35 **ends in either zero or five** or other appropriate source as approved by the
36 director of the department of economic development;
37 (4) The resident population of the area is at least four thousand at the
38 time of designation as an economically blighted urban district. If the population
39 of the jurisdiction of the governing authority does not meet the minimum
40 population requirements set forth in this subdivision, the population of the area

41 must be at least fifty percent of the population of the jurisdiction; and
42 (5) The level of unemployment of persons, according to the most recent
43 data available from the division of employment security or from the United States
44 Bureau of Census and approved by the director of the department of economic
45 development, within the area exceeds one and one-half times the average rate of
46 unemployment for the state of Missouri over the previous twelve months, or the
47 percentage of area residents employed on a full-time basis is less than fifty
48 percent of the statewide percentage of residents employed on a full-time basis.
49 2. The department of economic development may use a percentage of the
50 moneys in the fund established in subsection 1 of this section to directly contract
51 with community development corporations established pursuant to section
52 135.400, RSMo, for the provision of job training or for creating or retaining jobs
53 in any area meeting the criteria outlined in subsection 1 of this section.
54 3. All moneys remaining in the business extension service team fund at
55 the end of the fiscal year shall not lapse to the general revenue fund, as provided
56 in section 33.080, RSMo, but shall remain in the business extension service team
57 fund.

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except
2 for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section
3 644.052, become effective October 1, 1990, and shall expire December 31,
4 2010. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section
5 644.052 shall become effective August 28, 2000, and shall expire on December 31,
6 2010. The clean water commission shall promulgate rules and regulations on the
7 procedures for billing and collection. All sums received through the payment of
8 fees shall be placed in the state treasury and credited to an appropriate
9 subaccount of the natural resources protection fund created in section 640.220,
10 RSMo. Moneys in the subaccount shall be expended, upon appropriation, solely
11 for the administration of sections 644.006 to 644.141. Fees collected pursuant to
12 subsection 10 of section 644.052 by a city, a public sewer district, a public water
13 district or other publicly owned treatment works are state fees. Five percent of
14 the fee revenue collected shall be retained by the city, public sewer district, public
15 water district or other publicly owned treatment works as reimbursement of
16 billing and collection expenses.
17 2. The commission may grant a variance pursuant to section 644.061 to
18 reduce fees collected pursuant to section 644.052 for facilities that adopt systems
19 or technologies that reduce the discharge of water contaminants substantially

20 below the levels required by commission rules.

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

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

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

23 said bonds plus accrued interest not previously paid.

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

[21.811. 1. The joint committee on tax policy, as
2 established in section 21.810, shall review and analyze the local
3 property tax assessment practices of this state. The committee
4 shall make recommendations to the general assembly regarding its
5 findings with regard to the state's assessment practices. The
6 committee shall submit a preliminary report to the general
7 assembly by January 1, 2006, and a final report by June 30, 2006.
8 2. The committee shall report to the state tax commission
9 any concerns it finds regarding the state's assessment practices as
10 outlined under chapter 137, RSMo. The state tax commission shall
11 ensure that all counties are accurately assessed, as provided by
12 statute.**]**

[21.840. 1. There is established a joint committee of the
2 general assembly to be known as the "Joint Committee on Preneed
3 Funeral Contracts" to be composed of seven members of the senate
4 and seven members of the house of representatives. The senate
5 members of the joint committee shall be appointed by the president
6 pro tem and minority floor leader of the senate and the house
7 members shall be appointed by the speaker and minority floor
8 leader of the house of representatives. The appointment of each
9 member shall continue during the member's term of office as a
10 member of the general assembly or until a successor has been
11 appointed to fill the member's place when his or her term of office
12 as a member of the general assembly has expired. No party shall
13 be represented by more than four members from the house of
14 representatives nor more than four members from the senate. A
15 majority of the committee shall constitute a quorum, but the
16 concurrence of a majority of the members shall be required for the
17 determination of any matter within the committee's duties.
18 2. The joint committee shall:
19 (1) Make a comprehensive study and analysis of the
20 consumer and economic impact on the preneed funeral contract
21 industry in the state of Missouri;

22 (2) Determine from its study and analysis the need for
23 changes in statutory law; and
24 (3) Make any other recommendation to the general
25 assembly relating to its findings.
26 3. The joint committee shall meet within thirty days after
27 its creation and organize by selecting a chairperson and a vice
28 chairperson, one of whom shall be a member of the senate and the
29 other a member of the house of representatives.
30 4. The committee may meet at locations other than
31 Jefferson City when the committee deems it necessary.
32 5. The committee shall be staffed by legislative personnel
33 as is deemed necessary to assist the committee in the performance
34 of its duties.
35 6. The members of the committee shall serve without
36 compensation but shall be entitled to reimbursement for actual and
37 necessary expenses incurred in the performance of their official
38 duties.
39 7. It shall be the duty of the committee to compile a full
40 report of its activities for submission to the general assembly. The
41 report shall be submitted not later than January 31, 2009, and
42 shall include any recommendations which the committee may have
43 for legislative action as well as any recommendations for
44 administrative or procedural changes in the internal management
45 or organization of state or local government agencies and
46 departments. Copies of the report containing such
47 recommendations shall be sent to the appropriate directors of state
48 or local government agencies or departments included in the report.
49 8. The provisions of this section shall expire on January 31,
50 2009.**]**

[28.085. The secretary of state is hereby authorized to
2 establish and operate a microfilm service center for local agencies
3 participating in the local records management program. For this
4 purpose, the secretary of state may:
5 (1) Establish a charging system to be used when performing
6 work for an agency;
7 (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

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

47 2. The state treasurer and the commissioner of
48 administration shall establish appropriate accounts within the
49 state treasury and in accordance with the state's accounting
50 methods, and those accounts shall be the successors to the
51 enumerated funds. Any receipt required to be deposited in the
52 treasury to the credit of a particular fund which is abolished shall
53 be deposited in the general revenue fund instead and shall be
54 credited to the successor account. Any disbursement required to be
55 made from a particular fund which is abolished shall be made from
56 the general revenue fund and shall be charged to the successor
57 account, but no disbursement from the general revenue fund shall
58 be approved whenever such disbursement exceeds the balance
59 available in the designated successor account. When enacting
60 appropriations, the general assembly may establish such accounts
61 within the general revenue fund as it deems necessary and
62 appropriate to control expenditures, and any appropriation
63 authorizing an expenditure from the general revenue fund shall
64 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

28 treasurer in the same manner as other surplus funds are invested.**]**

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

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

[57.130. 1. The sheriffs of the several counties shall collect
2 and account for all the fines, penalties, forfeitures and other sums
3 of money, by whatever name designated, accruing to the state or
4 any county by virtue of any order, judgment or decree of a court of
5 record, provided that by court rule provision may be made for a
6 court clerk to collect fines, penalties, forfeitures and other sums of
7 money accruing to the state by virtue of any order, judgment or
8 decree of the court.
9 2. The provisions of this section shall expire and be of no
10 force and effect on and after July 1, 2007.**]**

[60.461. No coordinates based on either Missouri coordinate
2 system purporting to define the position of a point on a land
3 boundary shall be presented to be recorded in any public land
4 records or deed records unless the point is within one kilometer of
5 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

30 financial institutions for land acquisition and construction; and
31 (7) Other financing programs which the initiative deems to
32 be appropriate.]

[137.118. Notwithstanding any other provision of law to the
2 contrary, to replace any lost revenues due to the change in the
3 percentages of the true value in money used in determining the
4 assessed valuation of livestock and farm machinery, any taxing
5 authority may adjust its 1989 tax rate ceiling without voter
6 approval to the extent necessary to generate the same property tax
7 revenue as was produced in the previous year from property taxes
8 on livestock and farm machinery subject to taxation by such taxing
9 authority.]

[137.286. Notwithstanding any other law to the contrary,
2 taxing districts or political subdivisions which first levied an ad
3 valorem property tax pursuant to an election held in April, 1985,
4 or in June, 1985, shall base tax levies on the property valuations
5 established in 1985 and shall not roll back rates based on a tax
6 rate ceiling calculated on 1984 property valuations.]

[142.821. The exemption for motor fuel sold within an
2 Indian reservation or Indian country under section 142.815 shall
3 be administered as follows:
4 (1) At the discretion of the director the exemption from
5 taxation set forth in this section shall be administered as set out
6 in either paragraph (a) or (b) of this subdivision. In the event a
7 court of competent jurisdiction should strike down, enjoin, or issue
8 any form of temporary restraining order against either paragraph
9 (a) or (b) of this subdivision, then the remaining paragraph shall
10 immediately become effective and shall be administered by the
11 director. The two alternative methods are as follows:
12 (a) The tribal member shall apply for a refund with respect
13 to the motor fuel purchased in this state for consumption within
14 Indian country in this state as to which the tax imposed by this
15 chapter has previously been paid and no refund previously issued;
16 or
17 (b) The director shall determine, by the procedure set out
18 herein, the annual probable demand for motor fuel for consumption

19 by tribal members within Indian country for each ultimate vendor
20 location owned and operated by a federally recognized Indian tribe
21 on Indian country. Tribally owned and operated ultimate vendors
22 shall be permitted a monthly allocation equal to one-twelfth the
23 annual probable demand. No motor fuel shall be removed from a
24 terminal or imported into this state tax free for sale at a tribally
25 owned and operated location except pursuant to this section. The
26 director shall issue exemption certificate coupons equal to the
27 probable demand to each federally recognized tribe which owns and
28 operates an ultimate vendor location in Indian country. The
29 tribally owned and operated ultimate vendor shall transmit the
30 coupons to its distributor who shall grant the ultimate vendor a
31 credit in the amount of the tax exemption equal to the amount
32 which would be due pursuant to section 142.803 absent the
33 coupons. The distributor shall transmit said used coupons up its
34 chain of distribution to the supplier charged with precollection of
35 tax in accordance with this chapter who has granted the same tax
36 exemption to the distributor. The supplier shall then claim the
37 coupons as a credit against the tax liability otherwise owing on
38 motor fuel removed from its terminals;
39 (2) The probable demand used in the method described in
40 paragraph (b) of subdivision (1) of this section shall be determined
41 in the first instance by the director by multiplying the number of
42 members of the tribe which owns and operates an ultimate vendor
43 location in Indian country who live within the service area of that
44 location by the average per capita motor fuel consumption for
45 residents of this state by a ratio whose numerator is the amount of
46 motor fuel consumed in nonhighway uses (not on state maintained
47 highways) and whose denominator is the amount of that motor fuel
48 consumed in this state;
49 (3) In determining the number of members of the tribe
50 living within the service area, the director may rely upon
51 information including, but not limited to:
52 (a) Verified information voluntarily submitted by the
53 affected tribe;
54 (b) Data derived from the most recent U.S. decennial

55 census; and
56 (c) Data derived from the U.S. Bureau of Indian Affairs;
57 (4) The service area of a tribally owned and operated
58 ultimate vendor location shall be presumed to be a radius around
59 the location with a diameter of:
60 (a) Ten miles in counties whose population exceeds three
61 hundred fifty thousand; and
62 (b) Twenty-five miles in counties whose population does not
63 exceed three hundred fifty thousand. An affected tribe may rebut
64 this presumption by competent evidence in a proceeding to adjust
65 the probable demand determination pursuant to subdivision (7) of
66 this subsection;
67 (5) In determining the per capita consumption of motor fuel
68 and the ratio of nonhighway use of fuel to that consumed the
69 director may rely upon information including, but not limited to:
70 (a) Filings with the director regarding total fuels removed
71 from terminals versus the amount used upon highways in this
72 state;
73 (b) Fuel consumption reports issued by the Federal
74 Highway Administration; and
75 (c) Energy consumption reports issued by the U.S. Energy
76 Information Service;
77 (6) The director may adjust his determination of probable
78 demand periodically at his discretion, but not less often than upon
79 receipt of a new federal decennial census;
80 (7) Should any affected federally recognized Indian tribe
81 wish to contest the director's determination of probable demand, it
82 may do so before the administrative hearing commission. At such
83 hearing the tribe shall have the right to submit witnesses and
84 evidence and shall have the burden of proof by a preponderance of
85 the evidence to establish error in the director's determination and
86 by establishing the tribe's own calculation. At the conclusion of
87 such hearing, the administrative law judge shall prepare findings
88 of fact, conclusions of law and an order which shall be subject to
89 any and all rights of appeal enjoyed by the director or any other
90 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

9 security expenditures from the current operating cost calculation
10 of the base year and the year or years for which the compliance
11 percentage is calculated. The base school year certificated salary
12 percentage shall be the two-year average percentage of the 1991-92
13 and 1992-93 school years except as otherwise established by the
14 state board under subsection 4 of this section; except that, for any
15 school district experiencing, over a period of three consecutive
16 years, an average yearly increase in average daily attendance of at
17 least three percent, the base school year certificated salary
18 percentage may be the two-year average percentage of the last two
19 years of such period of three consecutive years, at the discretion of
20 the school district.

21 2. Beginning with the 1997-98 school year, a school district
22 shall:

23 (1) Expend, as a percentage of current operating cost, as
24 determined in subsection 1 of this section, for tuition, teacher
25 retirement and compensation of certificated staff, a percentage that
26 is no less than two percentage points less than the base school year
27 certificated salary percentage; or

28 (2) For any year in which no payment of a penalty is
29 required for the district under subsection 6 of this section, have an
30 unrestricted fund balance in the combined incidental and teachers'
31 funds on June thirtieth which is equal to or less than ten percent
32 of the combined expenditures for the year from those funds.

33 3. Beginning with the 1999-00 school year:

34 (1) As used in this subsection, "fiscal instructional ratio of
35 efficiency" or "FIRE" means the quotient of the sum of the district's
36 current operating costs, which for this section shall mean all
37 expenditures for instruction and support services, excluding capital
38 outlay and debt service expenditures less the revenue from federal
39 categorical sources, food service, student activities, and payments
40 from other districts, for all kindergarten through grade twelve
41 direct instructional and direct pupil support service functions plus
42 the costs of improvement of instruction and the cost of purchased
43 services and supplies for operation of the facilities housing those
44 programs, and excluding student activities, divided by the sum of

45 the district's current operating cost, as defined in this subdivision,
46 for kindergarten through grade twelve, plus all tuition revenue
47 received from other districts minus all noncapital transportation
48 and school safety and security costs;
49 (2) A school district shall show compliance with this section
50 in school year 1998-99 and thereafter by the method described in
51 subsections 1 and 2 of this section, or by maintaining or increasing
52 its fiscal instructional ratio of efficiency compared to its FIRE for
53 the 1997-98 base year.
54 4. (1) The state board of education may exempt a school
55 district from the requirements of this section upon receiving a
56 request for an exemption by a school district. The request shall
57 show the reason or reasons for the noncompliance, and the
58 exemption shall apply for only one school year. Requests for
59 exemptions under this subdivision may be resubmitted in
60 succeeding years.
61 (2) A school district may request of the state board a
62 one-time, permanent revision of the base school year certificated
63 salary percentage. The request shall show the reason or reasons
64 for the revision.
65 5. Any school district requesting an exemption or revision
66 under subsection 4 of this section must notify the certified staff of
67 the district in writing of the district's intent. Prior to granting an
68 exemption or revision, the state board shall consider comments
69 from certified staff of the district. The state board decision shall
70 be final.
71 6. Any school district which is determined by the
72 department to be in violation of the requirements of subsection 1
73 or 2 of this section, or both, shall compensate the building-level
74 administrative staff and nonadministrative certificated staff during
75 the year following the notice of violation by an additional amount
76 which is equal to one hundred ten percent of the amount necessary
77 to bring the district into compliance with this section for the year
78 of violation. In any year in which a penalty is paid, the district
79 shall pay the penalty specified in this subsection in addition to the
80 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

42 administrators of elementary or secondary schools appointed by the
43 state board of education, three members of school boards of local
44 public school districts appointed by the state board of education,
45 four representatives from public community college districts
46 appointed by the coordinating board for higher education, four
47 representatives of state-supported institutions of higher education
48 other than community colleges appointed by the coordinating board
49 for higher education, one representative of the regional consortium
50 for education and technology appointed by the state board of
51 education, one representative of the cooperating school districts of
52 the St. Louis suburban area appointed by the state board of
53 education, two representatives of the public appointed by the
54 governor with the advice and consent of the senate, two members
55 of the senate appointed by the senate president pro tem and two
56 members of the house of representatives appointed by the speaker
57 of the house of representatives. Of all members appointed by the
58 state board of education, no more than four shall be from any one
59 congressional district and of all the members appointed by the
60 coordinating board for higher education, no more than four shall be
61 from any one congressional district. The members of the committee
62 shall serve three-year terms and shall not serve more than two
63 terms consecutively. However, committee members having served
64 two consecutive terms may be reappointed after leaving the
65 committee for at least one three-year term. On August 28, 1992,
66 the committee shall designate nine of its members to serve a term
67 of one year, ten of its members to serve a term of two years, and
68 ten of its members to serve a term of three years. All subsequent
69 appointments shall be for three years. All members shall receive
70 no compensation for their services, but shall be reimbursed for the
71 actual and necessary expenses incurred while serving on the
72 committee out of funds appropriated for that purpose. The
73 committee shall meet at least quarterly and shall annually issue a
74 report together with its recommendations to the state board of
75 education and the general assembly.

76 4. The state board of education may cooperate with existing
77 programs including the University of Missouri, other institutions

78 of higher education, the cooperating school districts of the St. Louis
79 suburban area, or its successor organization, the regional
80 consortium for education and technology or its successor
81 organization, and any statewide organization of public school
82 governing boards and may delegate or contract for the performance
83 or operation of the respective grant programs. The state board of
84 education shall establish appropriate guidelines for participation
85 by the aforementioned entities and by school districts, community
86 college districts, and public television stations as defined in section
87 37.205, RSMo, in the grant program. Such guidelines shall include
88 application procedures and shall establish policies for awarding
89 grants in the event that more grant applications are received than
90 are funds available to honor the applications in any fiscal year. In
91 allocating funds to applicants, the state board of education may
92 give due consideration to revenues available from all other
93 sources. The state board of education shall accredit courses offered
94 through this program at the elementary and secondary education
95 level. The coordinating board for higher education shall approve
96 courses taught at the postsecondary level.
97 5. In any fiscal year, moneys in the fund shall be used first
98 to ensure that any and all school districts, community college
99 districts and state institutions of higher education seeking aid
100 under this program shall receive telecommunications equipment
101 including computers and modems necessary to participate in the
102 satellite learning process or instructional television video; second
103 to provide the school districts, community college districts and
104 state institutions of higher education with access to subjects at the
105 advanced level or the remedial level or which are not taught in the
106 schools of the district or the service area or campus, which subjects
107 shall include courses in continuing education necessary for
108 maintenance or renewal of licenses for all such licensed health care
109 providers; and third to provide enrichment classes for all pupils of
110 the district. However, the state board of education may set aside
111 a portion of the funds to be used to contract with state-supported
112 institutions of higher education and public television stations as
113 defined in section 37.205, RSMo, to develop instructional programs

114 for grades kindergarten through twelve and for undergraduate and
115 graduate course work suitable for broadcast to the school districts,
116 community college districts and state institutions of higher
117 education as appropriate and to develop the capability to transmit
118 programs cited in this section.

119 6. Participation by a local school district, a community
120 college district or a state institution of higher education in the
121 program established by this section shall be voluntary. No school
122 district, community college district or state institution of higher
123 education receiving funds under this program shall use those funds
124 for any purpose other than that for which they were intended. Any
125 school district, community college district or state institution of
126 higher education shall be eligible to receive funds under this
127 program regardless of its curriculum, local wealth or previous
128 contractual arrangements to receive satellite broadcast instruction.

129 7. The office of administration on behalf of the state of
130 Missouri may contract with institutions of higher education for the
131 development or operation or both of state employee training
132 programs transmitted by telecommunications technology.

133 8. Instructional programs developed pursuant to this
134 section which are transmitted one way through the airwaves or by
135 cable television shall be available to all residents of this state
136 without charge or fee to the extent permitted by the Missouri
137 Constitution. "Without charge or fee" shall not require the
138 providing of equipment to transmit or receive telecommunications
139 instruction or the providing of commercial cable television service.
140 If the instructional program involves two-way, interactive
141 communication between the instructor and the participant, the
142 district or institution operating the program may prescribe
143 academic prerequisites and limit the number of persons who may
144 enroll in the specific program and give preference to residents of
145 the district or institutional attendance area who are age twenty-one
146 or younger but shall not discriminate against any resident on any
147 other basis. A fee may be charged which shall be paid directly by
148 the individual participant, but the fee shall be equal for all
149 participants. If a subscription fee is charged by the originator of

150 the program, the district or institution may pay the subscription
151 fee for all participants from the grant pursuant to this section or
152 from any other public or private fund legally authorized to be used
153 for this purpose. Printed materials designed to facilitate or
154 complement telecommunications programs or electronic
155 reproductions thereof may be made available for loan by the school
156 district, community college or institution of higher education
157 through the public library system subject to the normal rules and
158 regulations of the lending system and in such quantities as may be
159 approved by the governing body of the district or
160 institution. Instructional programs which involve two-way,
161 interactive communication between the instructor and the
162 participant shall also be available to any not-for-profit organization
163 in this state which is exempt from taxation pursuant to subdivision
164 (19) of subsection 2 of section 144.030, RSMo, upon payment of a
165 reasonable subscription fee as determined by the state board of
166 education. Such fees shall be set on a per-participant, per-course
167 basis. The district or institution or the state board of education
168 may make telecommunication equipment available for purchase at
169 cost by or rental to any not-for-profit organization in this state
170 which is exempt from taxation pursuant to subdivision (19) of
171 subsection 2 of section 144.030, RSMo.

172 9. (1) In order to facilitate or complement
173 telecommunications, local exchange telecommunications companies
174 shall file with the public service commission tariffs for provision of
175 local service to public school districts, and may file tariffs for
176 provision of local service to accredited primary or secondary schools
177 owned or operated by private entities and community college
178 districts located within the local exchange telecommunications
179 companies certified area. Such local exchange telecommunications
180 companies shall seek commission authorization to provide local
181 service at rates lower than those charged for business and
182 residential service in effect when the tariff is filed, provided that
183 the proposed rates may not be below the actual cost of providing
184 the service. Upon approval of the public service commission, the
185 rates shall not be classified as discriminatory for the purposes of

186 chapter 392, RSMo.

187 (2) The public service commission may approve the tariff as
188 submitted, or may, after hearing, modify the tariff in the public
189 interest. The commission may promulgate rules to aid in the
190 implementation of this section.**]**

[172.860. Any funds remaining in the Missouri state chest
2 hospital fund and any funds remaining in any other fund
3 designated for the Missouri rehabilitation center in the treasury of
4 this state on the effective date of the transfer of the Missouri
5 rehabilitation center to the board of curators of the University of
6 Missouri, except for that portion as may be retained by the
7 department of health and senior services for the continued support
8 of the tuberculosis laboratory, upon notice to the director of
9 revenue that an agreement has been executed which transfers the
10 Missouri rehabilitation center from the department of health and
11 senior services to the board of curators of the University of
12 Missouri, shall be transferred to the control and management of
13 the curators of the University of Missouri, to be held and expended
14 by the curators consistent with the provisions of section 172.850.**]**

[173.710. Sections 173.700, 173.705, 173.708 and this
2 section shall expire on January 1, 1996, if the midwestern higher
3 education compact does not become effective prior to December 31,
4 1995.**]**

[173.715. The following compact, as amended, is approved
2 and this state is declared to be a party thereto; and agreements,
3 covenants and obligations therein are binding upon the state of
4 Missouri.

5 THE REGIONAL COMPACT

6 1. Whereas, the said states desire to enter into a compact
7 with each other providing for the planning and establishment of
8 regional educational facilities;

9 2. Now, therefore, in consideration of the mutual
10 agreements, covenants and obligations assumed by the respective
11 states who are parties hereto (hereinafter referred as "states"), the
12 said several states do hereby form a geographical district or region
13 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

122 conditions as may be agreed upon at the time. Provided, however,
123 that with respect to any state whose constitution may require
124 amendment in order to permit legislative approval of the compact,
125 such state or states shall become parties hereto upon approval of
126 this compact by legislative action within seven years from the date
127 hereof, upon such conditions as may be agreed upon at the time.

128 (7) After becoming effective this compact shall thereafter
129 continue without limitation of time provided, however, that it may
130 be terminated at any time by unanimous action of the states and
131 provided further that any state may withdraw from this compact
132 if such withdrawal is approved by its legislature, such withdrawal
133 to become effective two years after written notice thereof to the
134 board accompanied by a certified copy of the requisite legislative
135 action, but such withdrawal shall not relieve the withdrawing state
136 from its obligations hereunder accruing up to the effective date of
137 such withdrawal. Any state so withdrawing shall ipso facto cease
138 to have any claim to or ownership of any of the property held or
139 vested in the board or to any of the funds of the board held under
140 the terms of this compact.

141 (8) If any state shall at any time become in default in the
142 performance of any of its obligations assumed herein or with
143 respect to any obligation imposed upon said state as authorized by
144 and in compliance with the terms and provisions of this compact,
145 all rights, privileges and benefits of such defaulting state, its
146 members on the board and its citizens shall ipso facto be and
147 become suspended from and after the date of such default. Unless
148 such default shall be remedied and made good within a period of
149 one year immediately following the date of such default this
150 compact may be terminated with respect to such defaulting state
151 by an affirmative vote of three-fourths of the members of the board
152 (exclusive of the members representing the state in default), from
153 and after which time such state shall cease to be a party to this
154 compact and shall have no further claim to or ownership of any of
155 the property held by or vested in the board or to any of the funds
156 of the board held under the terms of this compact, but such
157 termination shall in no manner release such defaulting state from

158 any accrued obligation or otherwise affect this compact or the
159 rights, duties, privileges or obligations of the remaining states
160 thereunder.

161 3. In witness whereof this compact has been approved and
162 signed by governors of the several states, subject, to the approval
163 of their respective legislatures in the manner hereinabove set out,
164 as of the eighth day of February, 1948.**]**

[173.718. 1. The Missouri coordinating board for higher
2 education is hereby designated to be the agency of the state of
3 Missouri to administer the regional education program in
4 cooperation with other southern states.

5 2. The defrayal of administrative cost of the regional
6 education program, including payment of the annual membership
7 fee assessed to the state of Missouri, shall be through general
8 revenue appropriations to the Missouri coordinating board for
9 higher education.**]**

[173.721. Sections 173.715, 173.718 and this section shall
2 expire two years after the formation of the midwestern higher
3 education compact as contained in sections 173.700 to 173.710 and
4 upon proper notice being given to the member states of the compact
5 established pursuant to section 173.715.**]**

[174.266. 1. The board of trustees of the Jasper County
2 Junior College district and the board of trustees of the Missouri
3 Western Junior College district shall make an orderly transfer of
4 all the property of the junior college districts, including but not
5 limited to land and capital improvements to the state of Missouri
6 on July 1, 1977, except that, the junior college districts shall retire
7 all bonds for capital improvements commenced before the effective
8 date of this act by levying a tax within their respective districts as
9 provided in sections 178.770 to 178.890, RSMo, combined with
10 funds available from any other sources. After all bonded
11 indebtedness has been retired, each junior college district shall
12 cease to exist, and no levy shall be made for junior college
13 purposes.

14 2. After July 1, 1977, the board of trustees of the Jasper
15 County Junior College district and the board of trustees of the

16 Missouri Western Junior College district shall have no duties other
17 than those specified by sections 174.241, 174.261 and 174.266 and
18 shall not exercise any powers previously held. After September 28,
19 1979, the members of the board of trustees of the Jasper County
20 Junior College district and the members of the board of trustees of
21 the Missouri Western Junior College district shall continue in office
22 for the balance of their terms. Vacancies on said boards of trustees
23 will be filled by appointment by the boards of regents of the
24 respective colleges.**]**

[192.010. 1. The department of health and senior services
2 shall have such duties and powers as are assigned by law. The
3 department of health and senior services shall also have control
4 and administration over the Missouri rehabilitation center at Mt.
5 Vernon as provided by law. The department of health and senior
6 services shall also have such jurisdiction over the accounts of city
7 and county tuberculosis hospitals as is imposed by law. The cancer
8 commission of the state of Missouri is hereby assigned to the
9 department of health and senior services.
10 2. This section shall terminate thirty days following the
11 date notice is provided to the revisor of statutes that an agreement
12 has been executed which transfers the Missouri rehabilitation
13 center from the department of health and senior services to the
14 board of curators of the University of Missouri.**]**

[192.120. The department of health and senior services is
2 hereby authorized to provide for the teaching and training of
3 children who are resident patients confined in the Missouri
4 rehabilitation center at Mt. Vernon by employing certified teachers
5 and instructors and purchasing equipment from any moneys
6 appropriated for that purpose.**]**

[192.255. 1. All funds received by the state of Missouri
2 from the federal government or from any other source which are
3 granted for the purpose of purchasing prophylactic drugs for
4 distribution to persons certified by a physician to be victims of
5 rheumatic fever, and all money received by the department of
6 health and senior services as proceeds from the sale of the drugs
7 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

22 who currently serves on the personal independence commission,
23 appointed by the governor;
24 (9) One representative of the Missouri area agency on
25 aging, appointed by the governor;
26 (10) One member of the special health, psychological, and
27 social needs of minority older individuals commission;
28 (11) One member of the governor's advisory council on
29 aging, appointed by the governor;
30 (12) The lieutenant governor, who shall serve as chair of
31 the commission; and
32 (13) One member from the Missouri council for in-home
33 services, appointed by the governor. In making the initial
34 appointment to the committee, the governor, president pro tem, and
35 speaker shall stagger the terms of the appointees so that five
36 members serve an initial term of one year, five members serve
37 initial terms of two years and five members serve initial terms of
38 three years. All members appointed thereafter shall serve
39 three-year terms. All members shall be eligible for
40 reappointment. Members of the commission shall be appointed by
41 October 1, 2005. Members shall continue to serve until their
42 successor is appointed and qualified. Any vacancy on the
43 commission shall be filled in the same manner as the original
44 appointment. The commission shall be dissolved on December 31,
45 2008.
46 2. Service on the commission shall be voluntary. Subject to
47 appropriations, members of the commission shall receive with
48 reasonable reimbursement for expenses actually incurred in the
49 performance of the member's official duties for members who are
50 not employees of the state of Missouri.
51 3. Subject to appropriations, the department of health and
52 senior services shall provide administrative support and resources
53 as is necessary for the effective operation of the commission.
54 4. Meetings shall be held at least every ninety days or at
55 the call of the commission chair.
56 5. The senior advocacy and efficiency commission shall:
57 (1) Hold public hearings in accordance with chapter 536,

58 RSMo, to gather information from any state agency, commission, or
59 public entity on issues pertaining to the quality and efficiency of all
60 senior services offered by the state of Missouri;
61 (2) Analyze state statutes, commissions, and administrative
62 rules regarding services offered by the state of Missouri for senior
63 citizens and designate which programs provide effective and
64 efficient support to seniors and the programs that lack quality;
65 (3) Establish a mechanism to educate the staff of the
66 members of the Missouri general assembly to assist seniors,
67 including but not limited to assisting seniors in applying for any
68 and all prescription drug assistance offered under the federal
69 Medicare Prescription Drug Modernization Act of 2003;
70 (4) Develop a plan that delays the need for the provisions
71 of long-term care outside the residence of senior citizens and allows
72 seniors to remain at home for as long as possible;
73 (5) Maintain a web site with detailed information regarding
74 all programs and services offered by the state of Missouri which are
75 available to seniors;
76 (6) Maintain a toll-free senior advocacy support telephone
77 number which directs seniors to all services offered by the state of
78 Missouri which are available to seniors;
79 (7) Submit an annual report on the activities of the
80 commission to the director of the department of health and senior
81 services, the members of the Missouri general assembly, and the
82 governor by February 1, 2007, and every February first
83 thereafter. Such report shall include, but not be limited to, the
84 following:
85 (a) Efficiencies that can be realized by consolidation of
86 senior services offered by Missouri;
87 (b) Effectiveness of all senior services, programs, and
88 commissions offered by the state of Missouri;
89 (c) Information regarding the impact and effectiveness of
90 prior recommendations, if any, that have been implemented; and
91 (d) Measurable data to identify the cost-effectiveness of the
92 services, programs, and commissions evaluated.
93 6. Unless reauthorized, the provisions of this section shall

94 sunset on December 31, 2008.**]**

[195.405. 1. Any manufacturer, wholesaler, retailer, or
2 other person who sells, transfers, or otherwise furnishes any listed
3 chemical specified in subsection 2 of section 195.400 to a person in
4 this state or who receives from a source outside of this state any
5 chemical specified in subsection 2 of section 195.400 shall obtain a
6 registration for such conduct from the department of health and
7 senior services.

8 2. No registration shall be required of any manufacturer,
9 wholesaler, retailer, or any pharmacist, pharmacy, physician,
10 dentist, podiatrist, veterinarian or optometrist, who administers,
11 dispenses or furnishes a substance listed in subsection 2 of section
12 195.400 within the scope of his professional practice, or other
13 person for the sale, transfer, furnishing, or receipt of any drug
14 which contains any substance listed in subsection 2 of section
15 195.400 and which is lawfully sold, transferred or furnished over
16 the counter without a prescription or by a prescription pursuant to
17 the federal Food, Drug, or Cosmetic Act or regulations adopted
18 thereunder.

19 3. No registration shall be required of any retailer for the
20 sale, transfer, furnishing, or receipt of any product part of whose
21 ingredients include a substance listed in subsection 2 of section
22 195.400 and which product is lawfully sold, transferred or
23 furnished in the ordinary course of its business.

24 4. Applications for registration shall be filed in writing and
25 signed by the applicant, and shall set forth the name of the
26 applicant, the business in which the applicant is engaged, the
27 business address of the applicant and a full description of any
28 substance sold, transferred, or otherwise furnished or received.

29 5. The department of health and senior services upon public
30 notice and hearing may promulgate rules and establish reasonable
31 fees to be charged relating to the registration and control of the
32 manufacture, distribution, and dispensing of listed chemicals under
33 subsection 2 of section 195.400.

34 6. Registration granted pursuant to this section may be
35 renewed one year from the date of issuance, and annually

36 thereafter, upon the filing of a renewal application and the
37 payment of a registration renewal fee.
38 7. Selling, transferring, or otherwise furnishing or receiving
39 any substance listed in subsection 2 of section 195.400 without a
40 registration is a class D felony.**]**

[195.410. 1. No registration shall be issued under section
2 195.405 unless and until the applicant for such registration has
3 furnished proof satisfactory to the department of health and senior
4 services that:
5 (1) The applicant is of good moral character or, if the
6 applicant is an association or corporation, that the managing
7 officers are of good moral character; and
8 (2) The applicant is properly equipped as to land, building,
9 and paraphernalia to carry on the business described in his
10 application.
11 2. No registration shall be granted to any person who has
12 within two years been finally adjudicated and found guilty, or
13 entered a plea of guilty or nolo contendere, in a criminal
14 prosecution under the laws of any state or of the United States, for
15 any misdemeanor offense or within seven years for any felony
16 offense related to controlled substances or chemicals listed in
17 subsection 2 of section 195.400.
18 3. The department of health and senior services shall
19 register an applicant to manufacture, distribute, sell, transfer, or
20 otherwise furnish listed chemicals unless it determines that the
21 issuance of that registration would be inconsistent with the public
22 interest. In determining the public interest, the following factors
23 shall be considered:
24 (1) Maintenance of effective controls against diversion of
25 controlled substances or chemicals listed in subsection 2 of section
26 195.400 into other than legitimate medical, scientific, or industrial
27 channels;
28 (2) Compliance with applicable state and local law;
29 (3) Any convictions of an applicant under any federal or
30 state laws relating to any controlled substance or chemicals listed
31 in subsection 2 of section 195.400;

32 (4) Past experience in the manufacture or distribution of
33 controlled substances or chemicals listed in subsection 2 of section
34 195.400 and the existence in the applicant's establishment of
35 effective controls against diversion;
36 (5) Furnishing by the applicant of false or fraudulent
37 material information in any application filed under section 195.405;
38 and
39 (6) Any other factors that the department of health and
40 senior services determines to be relevant to and consistent with the
41 public health and safety.
42 4. Registration does not entitle a registrant to manufacture
43 and distribute chemicals listed in subsection 2 of section 195.400
44 other than those specified in the registrant's registration.
45 5. A registration to manufacture, distribute, sell, transfer,
46 or otherwise furnish or dispense a controlled substance or chemical
47 listed in subsection 2 of section 195.400 may be suspended or
48 revoked by the department of health and senior services upon a
49 finding that the registrant has:
50 (1) Furnished false or fraudulent material information in
51 any application filed pursuant to sections 195.405 to 195.425;
52 (2) Been convicted of a felony under any state or federal law
53 relating to any controlled substance or listed chemical;
54 (3) Had his federal authority to manufacture, distribute or
55 dispense controlled substances or chemicals listed in sections
56 195.405 to 195.425 suspended or revoked; or
57 (4) Violated any federal controlled substances or chemicals
58 statute or regulation, or any provision of sections 195.005 to
59 195.425 or regulation promulgated pursuant to sections 195.005 to
60 195.425.
61 6. The department of health and senior services may:
62 (1) Warn or censure a registrant;
63 (2) Limit a registration to particular listed chemicals;
64 (3) Limit revocation or suspension of a registration to a
65 particular listed chemical with respect to which grounds for
66 revocation or suspension exist;
67 (4) Restrict or limit a registration under such terms and

68 conditions as the department of health and senior services
69 considers appropriate for a period of five years;
70 (5) Suspend or revoke a registration for a period not to
71 exceed five years; or
72 (6) Deny an application for registration. In any order of
73 revocation, the department of health and senior services may
74 provide that the registrant may not apply for a new registration for
75 one to five years following the date of such order. Any stay order
76 shall toll this time period.
77 7. The department of health and senior services shall
78 promptly notify the Drug Enforcement Administration, United
79 States Department of Justice or their successor agencies of all
80 orders suspending or revoking registration and all forfeitures of
81 controlled substances.
82 8. The department of health and senior services may
83 suspend without an order to show cause any registration
84 simultaneously with the institution of proceedings under subsection
85 5 of this section if the department of health and senior services
86 finds that there is imminent danger to the public health or safety
87 which warrants this action. The suspension shall continue in effect
88 until the conclusion of the proceedings, including review of such
89 proceedings unless sooner withdrawn by the department of health
90 and senior services, dissolved by a court of competent jurisdiction
91 or stayed by the administrative hearing commission.**]**

[195.415. All prescriptions, orders, and records, required by
2 sections 195.400 to 195.425, and stocks of controlled substances
3 and substances listed in subsection 2 of section 195.400 shall be
4 open for examination and inspection to federal, state, county, and
5 municipal officers, whose duty it is to enforce the laws of this state
6 or of the United States relating to controlled substances and
7 chemicals. No officer having knowledge by virtue of his office of
8 any such prescription, order, or record shall divulge such
9 knowledge, except in connection with a prosecution or proceeding
10 in court or before a licensing or registration board or officer, to
11 which prosecution or proceeding the person to whom such
12 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

5 any person authorized to administer an oath, be received in the
6 courts of this state as prima facie evidence of the facts stated
7 therein, in all civil actions, as provided for in section 196.790.**]**

[196.800. No action can be maintained on account of any
2 sale or other contract made in violation of or with intent to violate
3 sections 196.750 to 196.810, by or through any person who was
4 knowingly a party to such wrongful sale or other contract.**]**

[196.805. Whoever shall efface, erase, cancel or remove any
2 mark provided for by sections 196.750 to 196.810, with intent to
3 mislead, deceive, or to violate any of the provisions of said sections,
4 shall be deemed guilty of a misdemeanor.**]**

[196.810. The state department of agriculture shall be and
2 is hereby charged with the enforcement of sections 196.750 to
3 196.810. Actions under said sections shall be brought in any court
4 of competent jurisdiction.**]**

[197.314. 1. The provisions of sections 197.300 to 197.366
2 shall not apply to any sixty-bed stand-alone facility designed and
3 operated exclusively for the care of residents with Alzheimer's
4 disease or dementia and located in a tax increment financing
5 district established prior to 1990 within any county of the first
6 classification with a charter form of government containing a city
7 with a population of over three hundred fifty thousand and which
8 district also has within its boundaries a skilled nursing facility.
9 2. The provisions of sections 197.300 to 197.366 shall not
10 apply, as hereinafter stated, to a skilled nursing facility that is
11 owned or operated by a not-for-profit corporation which was created
12 by a special act of the Missouri general assembly, is exempt from
13 federal income tax as an organization described in Section 501(c)(3)
14 of the Internal Revenue Code of 1986, is owned by a religious
15 organization and is to be operated as part of a continuing care
16 retirement community offering independent living, residential care
17 and skilled care. This exemption shall authorize no more than
18 twenty additional skilled nursing beds at each of two facilities
19 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
2 be issued for the following:

3 (1) Additional residential care facility, assisted living
4 facility, intermediate care facility or skilled nursing facility beds
5 above the number then licensed by this state;
6 (2) Beds in a licensed hospital to be reallocated on a
7 temporary or permanent basis to nursing care or beds in a
8 long-term care hospital meeting the requirements described in 42
9 CFR, Section 412.23(e), excepting those which are not subject to a
10 certificate of need pursuant to paragraphs (e) and (g) of subdivision
11 (10) of section 197.305; nor
12 (3) The reallocation of intermediate care facility or skilled
13 nursing facility beds of existing licensed beds by transfer or sale of
14 licensed beds between a hospital licensed pursuant to this chapter
15 or a nursing care facility licensed pursuant to chapter 198, RSMo;
16 except for beds in counties in which there is no existing nursing
17 care facility. No certificate of need shall be issued for the
18 reallocation of existing residential care facility or assisted living
19 facility, or intermediate care facilities operated exclusively for the
20 mentally retarded to intermediate care or skilled nursing facilities
21 or beds. However, after January 1, 2003, nothing in this section
22 shall prohibit the Missouri health facilities review committee from
23 issuing a certificate of need for additional beds in existing health
24 care facilities or for new beds in new health care facilities or for the
25 reallocation of licensed beds, provided that no construction shall
26 begin prior to January 1, 2004. The provisions of subsections 16
27 and 17 of section 197.315 shall apply to the provisions of this
28 section.
29 2. The health facilities review committee shall utilize
30 demographic data from the office of social and economic data
31 analysis, or its successor organization, at the University of
32 Missouri as their source of information in considering applications
33 for new institutional long-term care facilities.**]**

[198.087. To ensure uniformity of application of regulation
2 standards in long-term care facilities throughout the state, the
3 department of social services shall:
4 (1) Evaluate the requirements for inspectors or surveyors
5 of facilities, including the eligibility, training and testing

6 requirements for the position. Based on the evaluation, the
7 department shall develop and implement additional training and
8 knowledge standards for inspectors and surveyors;
9 (2) Periodically evaluate the performance of the inspectors
10 or surveyors regionally and statewide to identify any deviations or
11 inconsistencies in regulation application. At a minimum, the
12 Missouri on-site surveyor evaluation process, and the number and
13 type of actions overturned by the informal dispute resolution
14 process and formal appeal shall be used in the evaluation. Based
15 on such evaluation, the department shall develop standards and a
16 retraining process for the region, state, or individual inspector or
17 surveyor, as needed;
18 (3) In addition to the provisions of subdivisions (1) and (2)
19 of this section, the department shall develop a single uniform
20 comprehensive and mandatory course of instruction for
21 inspectors/surveyors on the practical application of enforcement of
22 statutes, rules and regulations. Such course shall also be open to
23 attendance by administrators and staff of facilities licensed
24 pursuant to this chapter;
25 (4) With the full cooperation of and in conjunction with the
26 department of health and senior services, evaluate the
27 implementation and compliance of the provisions of subdivision (3)
28 of subsection 1 of section 198.012 in which rules, requirements,
29 regulations and standards pursuant to section 197.080, RSMo, for
30 assisted living facilities, intermediate care facilities and skilled
31 nursing facilities attached to an acute care hospital are consistent
32 with the intent of this chapter. A report of the differences found
33 in the evaluation conducted pursuant to this subdivision shall be
34 made jointly by the departments of social services and health and
35 senior services to the governor and members of the general
36 assembly by January 1, 2008; and
37 (5) With the full cooperation and in conjunction with the
38 department of health and senior services, develop rules and
39 regulations requiring the exchange of information, including
40 regulatory violations, between the departments to ensure the
41 protection of individuals who are served by health care providers

42 regulated by either the department of health and senior services or
43 the department of social services.**]**

[198.600. 1. The department of health and senior services
2 shall establish a "Uniform Data Management Pilot Program" at a
3 minimum of fifty selected facilities of varying licensure or
4 classification throughout the state to improve patient care and
5 retention of nursing facility staff. The department shall determine
6 the nature and extent of the pilot program and provide all
7 necessary resources.
8 2. The pilot program shall be implemented no later than six
9 months after funding for the pilot program is made available.
10 3. The pilot program shall:
11 (1) Encourage the utilization of existing or the purchase of
12 new software in an effort to modernize the procedures for compiling
13 and disseminating data for long-term care facilities;
14 (2) Enable physicians, licensed nurses, and facility
15 personnel to devote more quality time to patient care; and
16 (3) Be established in selected urban, rural, and regional
17 sites throughout the state.
18 4. The department of health and senior services shall
19 monitor the pilot program and report to the general assembly by
20 January first next following the implementation of the pilot
21 program pursuant to this section on the effectiveness of such
22 program, including quality of care, employee satisfaction, and
23 cost-effectiveness.**]**

[207.023. The division of family services within the
2 department of social services, with input from the Missouri
3 community service commission created in sections 26.600 to 26.614,
4 RSMo, shall promulgate rules providing standards and procedures
5 for community service participation by persons receiving services
6 from the division of family services. In order to be eligible to
7 receive services from the division of family services, a person shall
8 satisfy the requirements of the rules promulgated under this
9 section regarding community service participation.**]**

[207.040. The director of the division shall devote his entire
2 time to his official duties and shall receive an annual salary of

3 nineteen thousand dollars. It shall be his duty to investigate
4 personally the conduct of the various bureaus of the division of
5 family services, and to give executive control to the administration
6 of the work of the division in this state.**]**

[207.050. In every county there may be established a county
2 family services commission to consist of four persons, two from
3 each of the two major political parties, to be selected by the
4 director of social services from a list submitted to the director of
5 the department of social services by the county commission,
6 consisting of double the number of appointments to be made. Each
7 member of the county family services commission shall serve for a
8 term of four years. Vacancies shall be filled in the same way in
9 which the original appointment was made. The duties of the
10 county family services commission shall be advisory in nature with
11 the power to examine the records of any case pending within their
12 county and to make recommendations thereon. They shall serve
13 without compensation, but shall be paid their traveling expenses
14 and other necessary expense in the performance of their duty. No
15 elective officer shall be appointed as a member of the county family
16 services commission, and upon becoming a candidate for any
17 elective office, such member of the county family services
18 commission shall forthwith forfeit his or her position on the
19 commission. Duties imposed by this law upon the several county
20 commissions shall be performed in the city of St. Louis by the
21 board of estimate and apportionment.**]**

[207.055. 1. Within thirty days after August 13, 1972, the
2 county commission of each county may appoint two additional
3 members of the county family services commission, and such
4 members shall be in addition to those members required by the
5 provisions of section 207.050. Such members shall be residents of
6 the county, one from each of the two major political parties and
7 shall have been actual welfare recipients, and shall be appointed
8 for terms of two years. If at any time these members remove their
9 residence from the county, their office shall be vacant and another
10 person shall be appointed for the remainder of their term.
11 2. The members appointed pursuant to the provisions of

12 this section shall have the same rights, powers, duties and
13 responsibilities as the other members of the commission, and all
14 references of any kind to the county family services commission
15 shall be to the commission as composed of six members instead of
16 four.**]**

[208.344. 1. By December 1, 2002, and annually thereafter,
2 the division of family services shall submit a report to the
3 governor, the president pro tempore of the senate, and the speaker
4 of the house of representatives regarding the progress of welfare
5 reform in Missouri. The report shall include, but not be limited to,
6 current statistics and recommendations regarding:
7 (1) Individuals who have successfully left welfare and
8 employment of such individuals;
9 (2) Individuals who remain on or have returned to welfare;
10 and
11 (3) Benefits of welfare reform realized by families,
12 employers, and the state.
13 2. The provisions of this section shall expire on December
14 31, 2007.**]**

[208.978. 1. The MO HealthNet oversight committee shall
2 develop and report upon recommendations to be delivered to the
3 governor and general assembly relating to the expenditure of funds
4 appropriated to the health care technology fund established under
5 section 208.975.
6 2. Recommendations from the committee shall include an
7 analysis and review, including but not limited to the following:
8 (1) Reviewing the current status of health care information
9 technology adoption by the health care delivery system in Missouri;
10 (2) Addressing the potential technical, scientific, economic,
11 security, privacy, and other issues related to the adoption of
12 interoperable health care information technology in Missouri;
13 (3) Evaluating the cost of using interoperable health care
14 information technology by the health care delivery system in
15 Missouri;
16 (4) Identifying private resources and public/private
17 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

20 (3) Recommendations for determining the responsibility,
21 financial or otherwise, among either the local school district and
22 child-placing agency or both as to the proper and timely placement
23 of such children in an appropriate educational setting.**]**

[215.050. 1. The commission shall establish a fund to be
2 known as the "Housing Development Fund". There shall be paid
3 into the housing development fund:
4 (1) Any moneys appropriated and made available to the
5 commission to carry out the purposes of this fund;
6 (2) Any moneys which the commission receives in
7 repayment of advances or loans made from the fund; and
8 (3) Any other moneys which may be made available to the
9 commission for the purpose of such fund from any other source or
10 sources.
11 2. Moneys held in the housing development fund may be
12 used to make noninterest-bearing advances to nonprofit
13 corporations to defray development costs of constructing or
14 rehabilitating residential housing if such housing complies with the
15 standards set by the commission under sections 215.010 to
16 215.250. No noninterest-bearing advances may be made unless the
17 commission may reasonably anticipate that permanent financing
18 of the residential housing may be obtained.
19 3. Each advance shall be repaid in full concurrent with the
20 receipt by the nonprofit corporation of the proceeds of the
21 permanent financing or of the construction loan, unless the
22 commission shall extend the period for the repayment of such
23 advance, provided that no such extension shall be granted beyond
24 the date of final payment under the permanent financing.
25 4. If the commission shall determine at any time that
26 permanent financing may not be obtained, the advance shall
27 become immediately due and payable and shall be paid from any
28 assets of the residential housing project.**]**

[215.340. Sections 215.340 to 215.349 shall be known as the
2 "Workfare Renovation Project". Subject to participation by
3 qualifying cities, the Missouri housing development commission
4 shall establish a two-year pilot project in each of the two cities

5 defined in section 215.345 which shall provide for the renovation
6 of property in the urban core of the city for subsequent purchase
7 pursuant to the provisions of sections 215.340 to 215.349.**]**

[215.345. As used in sections 215.340 to 215.349, the
2 following terms mean:

3 (1) "Agency", the participating city's administering agency
4 of the workfare renovation project;

5 (2) "City", any city not within a county or any city with at
6 least three hundred fifty thousand inhabitants which is located in
7 more than one county;

8 (3) "Commission", the state housing development
9 commission authorized pursuant to sections 215.010 to 215.250;

10 (4) "Federal poverty level", the first poverty income
11 guidelines published in the calendar year by the United States
12 Department of Health and Human Services;

13 (5) "Low income", a household income which does not exceed
14 two hundred percent of the federal poverty level;

15 (6) "Project", the renovation of one or more properties on
16 the urban core of the city which have been determined to be of
17 substandard quality or condition and the subsequent sale of such
18 property following renovation;

19 (7) "Renovate" or "renovation", the reconstruction,
20 remodeling, repairing, weatherizing, installation of energy
21 conservation measures or devices, and similar work necessary to
22 make urban core city property safe, sanitary and decent, and make
23 such property meet the minimum building code requirements and
24 occupancy requirements of a city, as the term city is defined in this
25 section.**]**

[215.347. 1. The workfare renovation project shall have the
2 following goals:

3 (1) To assist low-income individuals in learning a trade by
4 providing them with an opportunity to participate in the renovation
5 of urban core property; and

6 (2) To create tax-producing property for the participating
7 cities out of existing urban core city property.

8 2. The governing body of any city defined in section

9 215.345, by enacting the appropriate ordinances, may participate
10 in the workfare renovation project by donating existing inner-city
11 property to the project, submitting a plan for renovation in the city
12 to the commission and establishing an agency to administer the
13 project in such city pursuant to any authority delegated to such
14 agency by the commission. In any city not within a county or any
15 city with at least three hundred fifty thousand inhabitants which
16 is located in more than one county, the Missouri housing
17 development commission using available state resources shall
18 assign, either directly or through contract, staff to oversee each
19 respective city's project. In any city not within a county, such staff
20 shall annually report the progress of the project to the mayor and
21 the board of aldermen.
22 3. The commission may:
23 (1) Receive, hold and convey title to real estate on the
24 workfare renovation project carried out by the participating city
25 and receive and use for the purposes described in sections 215.340
26 to 215.355 any grants or loans made by the commission pursuant
27 to section 215.035 or section 215.050;
28 (2) Approve all proposed inner-city property for renovation;
29 (3) Approve the workers who will perform the renovation
30 and reconstruction work. The workers, to be selected from the local
31 labor force, shall be capable of performing the work for which they
32 will be hired, and shall be, as far as practicable, persons who are
33 classified as low income or receiving public assistance and who are
34 indigenous to the areas which are selected for renovation activity;
35 (4) Contract and be contracted with;
36 (5) Seek such legal and other professional and staff
37 assistance deemed necessary to carry out the purposes of sections
38 215.340 to 215.355;
39 (6) Sell the properties renovated, but such sales shall be
40 subject to the following requirements:
41 (a) Each property shall be sold only to a person who will be
42 the actual owner of record of the property and will actually occupy
43 the property for a period of not less than five years; and
44 (b) Each property shall be sold at a price which will allow

45 the commission to recover all costs incurred by it in renovating and
46 selling such property, including, but not limited to, the labor,
47 materials and other renovation expenses;
48 (7) Do all other things necessary to implement and
49 administer the residential renovation program authorized by
50 sections 215.340 to 215.355, including administering a revolving
51 fund for continued funding and operations of the program, and
52 submitting an annual report on expenditures made in the previous
53 fiscal year by December first, beginning in 1999, to the state
54 auditor, the speaker of the house and the president pro tem of the
55 senate;
56 (8) Utilize all appropriate tax credit and wage diversion
57 programs offered through state departments to assist low-income
58 residents of this state in becoming self-sufficient through the
59 workfare renovation project.
60 4. No rule or portion of a rule promulgated pursuant to the
61 authority of sections 215.340 to 215.355 shall become effective
62 unless it has been promulgated pursuant to the provisions of
63 chapter 536, RSMo. The provisions of this section and chapter 536,
64 RSMo, are nonseverable and if any of the powers vested with the
65 general assembly pursuant to chapter 536, RSMo, including the
66 ability to review, to delay the effective date, or to disapprove and
67 annul a rule or portion of a rule, are subsequently held
68 unconstitutional, then the purported grant of rulemaking authority
69 and any rule so proposed and contained in the order of rulemaking
70 shall be invalid and void.**]**

[215.349. Properties selected for renovation pursuant to the
2 provisions of sections 215.340 to 215.349 shall be located in those
3 areas of the urban core of the city which are in the greatest need
4 of neighborhood rehabilitation. Each administering agency shall
5 make a plan or plans to carry out the purposes of this section and
6 such plans shall be available to the public. In making the plan or
7 plans required by this section, each agency shall hold public
8 hearings at reasonable times and places from which to obtain
9 community input in order to assess the impact of any proposed
10 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

10 (5) Alcohol and drug rehabilitation.
11 2. In developing this statewide plan the task force shall at
12 a minimum acquire and review the following information:
13 (1) The cost per year to incarcerate one offender;
14 (2) The cost of the proposed alternative sentencing program
15 or programs per year;
16 (3) The recidivism rate for different types of offenses; and
17 (4) Information and research to assist the task force in
18 determining which classes of offenders should be targeted in
19 alternative sentencing programs.
20 3. The task force created in this section shall be comprised
21 of the following members or their designees from the entity
22 represented:
23 (1) The director;
24 (2) The director of the division of probation and parole;
25 (3) Two probation and parole officers or supervisors, who
26 shall be appointed by the director of the division of probation and
27 parole;
28 (4) One member of the department of economic
29 development's workforce development office who shall be appointed
30 by the director of the department of economic development;
31 (5) Two circuit or associate circuit judges who shall be
32 appointed by the governor;
33 (6) Two chief executive officers of two different private
34 businesses that employ a minimum of twenty employees each who
35 shall be appointed by the governor;
36 (7) Two prosecuting attorneys who shall be appointed by
37 the governor;
38 (8) Two members of the house of representatives, one of
39 whom shall be appointed by the speaker of the house and one of
40 whom shall be appointed by the house minority leader; and
41 (9) Two members of the senate, one of whom shall be
42 appointed by the president pro tem of the senate and one of whom
43 shall be appointed by the senate minority leader.
44 4. The task force shall meet at least quarterly and shall
45 submit its recommendations and statewide plan for an alternative

46 sentencing program or programs to the governor, to the general
47 assembly, and to the director by December 31, 2006.
48 5. Members of the task force shall receive no additional
49 compensation but shall be eligible for reimbursement for mileage
50 directly related to the performance of task force duties.
51 6. The provisions of this section terminate on May 31,
52 2007.**]**

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

[237.200. If the master or commander of any steamboat
2 shall land at the platform or known landing place of any public
3 ferry, and shall intentionally obstruct the passage of any ferryboat,
4 or moor or unload against, over or upon the same, without the
5 consent of the owner of such ferry, such master or owner of such
6 steamboat shall forfeit and pay to the legal possessor of such ferry
7 landing fifty dollars for each offense, to be recovered by civil action
8 before an associate circuit judge, and shall be liable to an action for
9 damages, to be recovered before any court having competent
10 jurisdiction.**]**

[253.375. 1. As a necessary adjunct to the operation and
2 maintenance of this memorial and historic site, as herein provided,
3 there is hereby created a state advisory commission, to be known
4 as "The Thomas Hart Benton Homestead Memorial Commission",
5 to consist of twenty members, ten members to be appointed by the
6 director of the department of natural resources, five members to be
7 appointed by the president pro tem of the senate and five members
8 to be appointed by the speaker of the house. The appointees shall
9 be selected from outstanding individuals, not restricted to citizens
10 of the state, well-known for their interest in and knowledge of
11 Thomas Hart Benton, his life and his work, and in addition thereto,
12 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

37 authorization statement at a subsequent time of registration, shall
38 be issued a new plate which does not bear the Friends of the
39 Missouri Women's Council emblem, as otherwise provided by
40 law. The director of revenue shall make necessary rules and
41 regulations for the administration of this section, and shall design
42 all necessary forms required by this section. No rule or portion of
43 a rule promulgated pursuant to the authority of this section shall
44 become effective unless it has been promulgated pursuant to the
45 provisions of chapter 536, RSMo.**]**

[307.176. A bus transportation company shall allow the
2 driver or operator of a bus to temporarily install and operate in the
3 bus a citizens band radio, technically limited to transmit and
4 receive frequency of 27.065 megahertz and 27.185 megahertz,
5 including earphones, antenna and any necessary equipment
6 purchased and installed by the licensed driver or operator of the
7 bus.**]**

[307.367. Prior to September 1, 2007, but no earlier than
2 August 1, 2007, all moneys held in the Missouri air pollution
3 control fund established under section 307.366 shall be transferred,
4 as deemed necessary by the state treasurer and commissioner of
5 administration, to the Missouri air emission reduction fund
6 established in section 643.350, RSMo, to be used for the purposes
7 of administering and enforcing the provisions of sections 643.300
8 to 643.355, RSMo. Prior to such date, any of the moneys in the
9 Missouri air pollution control fund that are needed to pay any
10 outstanding debt of the Missouri air pollution control fund, as
11 determined by the state treasurer, shall be exempted from the
12 provisions of this section. The Missouri air pollution control fund
13 shall be officially abolished on September 1, 2007.**]**

[311.470. Any druggist may have in his possession
2 intoxicating liquor purchased by him from a licensed vendor under
3 a license pursuant to this law, or intoxicating liquor lawfully
4 acquired at the place of acquisition and legally transported into
5 this state, and lawfully inspected, gauged and labeled as provided
6 for in this law; such intoxicating liquor to be used in connection
7 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.

25 (9) "Obligor" means any person owing a duty of support.
26 (10) "Register" means to file in the Registry of Foreign
27 Support Orders as required by the court.
28 (11) "Registering court" means any court of this state in
29 which the support order of the rendering state is registered.
30 (12) "Rendering state" means any state in which a support
31 order is originally entered.
32 (13) "Responding court" means the court in which the
33 responsive proceeding is commenced.
34 (14) "Responding state" means any state in which any
35 proceeding pursuant to the proceeding in the initiating state is or
36 may be commenced.
37 (15) "State" includes any state, territory, or possession of
38 the United States, the District of Columbia, and any foreign
39 jurisdiction in which this or a substantially similar reciprocal law
40 has been enacted.
41 (16) "Support order" means any judgment, decree or order
42 of support, whether temporary or final, whether subject to
43 modification, revocation or remission, regardless of the kind of
44 action in which it is entered.**]**

[454.030. The remedies herein provided are in addition to
2 and not in substitution for any other remedies.**]**

[454.040. Duties of support arising under the law of this
2 state, when applicable under section 454.070, bind the obligor,
3 present in this state, regardless of the presence or residence of the
4 obligee.**]**

[454.050. The governor of this state may:
2 (1) Demand from the governor of any other state the
3 surrender of any person found in such other state who is charged
4 in this state with the crime of failing to provide for the support of
5 any person in this state;
6 (2) Surrender on demand by the governor of any other state
7 any person found in this state who is charged in such other state
8 with the crime of failing to provide for the support of any person in
9 such other state. The provisions for extradition of criminals not
10 inconsistent herewith shall apply to any such demand although the

11 person whose surrender is demanded was not in the demanding
12 state at the time of the commission of the crime and although he
13 had not fled therefrom. Neither the demand, the oath nor any
14 proceedings for extradition pursuant to this section need state or
15 show that the person whose surrender is demanded has fled from
16 justice, or at the time of the commission of the crime was in the
17 demanding or other state.**]**

[454.060. 1. Before making the demand on the governor of
2 any other state for the surrender of a person charged in this state
3 with the crime of failing to provide for the support of any person,
4 the governor of this state may require any prosecuting attorney of
5 this state to satisfy him that at least sixty days prior thereto the
6 obligee brought an action for the support under sections 454.010 to
7 454.360, or that the bringing of an action would be of no avail.
8 2. When under this or a substantially similar law, a
9 demand is made upon the governor of this state by the governor of
10 another state for the surrender of a person charged in the other
11 state with the crime of failing to provide support, the governor may
12 call upon any prosecuting attorney to investigate or assist in
13 investigating the demand, and to report to him whether any action
14 for support has been brought under sections 454.010 to 454.360 or
15 would be effective.
16 3. If an action for the support would be effective and no
17 action has been brought, the governor may delay honoring the
18 demand for a reasonable time to permit prosecution of an action for
19 support.
20 4. If an action for support has been brought and the person
21 demanded has prevailed in that action, the governor may decline
22 to honor the demand.
23 5. If an action for support has been brought and pursuant
24 thereto the person demanded is subject to a support order, the
25 governor may decline to honor the demand so long as the person
26 demanded is complying with the support order.**]**

[454.070. Duties of support applicable under this law are
2 those imposed or imposable under the laws of any state where the
3 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

10 number.]

[454.120. The prosecuting attorney upon the request of the
2 court or of the state division of family services shall represent the
3 plaintiff in any proceeding under sections 454.010 to 454.360.]

[454.130. A petition on behalf of a minor obligee may be
2 brought by a person having legal custody of the minor without
3 appointment as guardian ad litem.]

[454.140. If the court of this state acting as an initiating
2 state finds that the petition sets forth facts from which it may be
3 determined that the defendant owes a duty of support and that a
4 court of the responding state may obtain jurisdiction of the
5 defendant or his property, it shall so certify and shall cause three
6 copies of (1) the petition, (2) its certificate and (3) sections 454.010
7 to 454.360 to be transmitted to the court in the responding state.
8 If the name and address of such court is unknown and the
9 responding state has an information agency comparable to that
10 established in the initiating state it shall cause such copies to be
11 transmitted to the state information agency or other proper official
12 of the responding state, with a request that it forward them to the
13 proper court, and that the court of the responding state
14 acknowledge their receipt to the court of the initiating state.]

[454.150. An initiating court shall not require the payment
2 of either a filing fee or other costs from the obligee, but may
3 request the responding court to collect fees and costs from the
4 obligor. A responding court shall not require the payment of a
5 filing fee or other costs from the obligee, but it may direct that all
6 fees and costs requested by the initiating court and incurred in this
7 state when acting as a responding state be paid in whole or in part
8 by the obligor or by the appropriate county of the initiating
9 state. These costs or fees do not have priority over amounts due to
10 the obligee.]

[454.160. If a court of this state believes that the obligor
2 may flee, it may:

3 (1) As an initiating court, request in its certificate that the
4 responding court obtain the body of the obligor by appropriate
5 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

24 210.834, RSMo, shall apply.**]**

[454.210. Laws attaching a privilege against the disclosure
2 of communications between husband and wife are inapplicable to
3 proceedings under sections 454.010 to 454.360. Husband and wife
4 are competent witnesses to testify to any relevant matter, including
5 marriage and parentage.**]**

[454.220. If the court of the responding state finds a duty
2 of support, it may order the defendant to furnish support or
3 reimbursement therefor and subject the property of the defendant
4 to such order.**]**

[454.230. The court of this state when acting as a
2 responding state shall cause to be transmitted to the court of the
3 initiating state a copy of all orders of support or for reimbursement
4 therefor.**]**

[454.240. In addition to the foregoing powers, the court of
2 this state when acting as the responding state has the power to
3 subject the defendant to such terms and conditions as the court
4 may deem proper to assure compliance with its orders and in
5 particular:
6 (1) To require the defendant to furnish recognizance in the
7 form of a cash deposit or bond of such character and in such
8 amount as the court may deem proper to assure payment of any
9 amount required to be paid by the defendant;
10 (2) To require the defendant to make payments at specified
11 intervals to the clerk of the court and to report personally to such
12 clerk at such times as may be deemed necessary;
13 (3) To punish the defendant who shall violate any order of
14 the court to the same extent as is provided by law for contempt of
15 the court in any other suit or proceeding cognizable by the court;
16 and
17 (4) To impose a withholding order against the wages or
18 other income of the defendant pursuant to section 452.350, RSMo.**]**

[454.250. The court of this state when acting as a
2 responding state shall have the following duties which may be
3 carried out through the clerk of the court:
4 (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

5 county that is not part of a standard metropolitan statistical area
6 as defined by the United States Department of Commerce or its
7 successor agency. However, any such city, town or village located
8 in a county so defined as a standard metropolitan statistical area
9 may be designated a rural community by the office of rural
10 development if a substantial number of persons in such county
11 derive their income from agriculture and in any county where there
12 is only one city within the county which has a population of more
13 than fifteen thousand and which classifies as a standard
14 metropolitan statistical area, all other cities, towns and villages in
15 that county having a population of less than fifteen thousand shall
16 be designated as a rural community;
17 (2) "Sponsoring organization", any city government, county
18 commission, or industrial development corporation authorized by
19 chapter 349, RSMo, located in a county specified in subdivision (1)
20 of this section.**]**

[620.161. 1. There is hereby created within the department
2 of economic development an "Office of Rural Development". The
3 office of rural development shall be under the supervision and
4 control of a director, who shall be appointed by the director of the
5 department of economic development. Until June 30, 2000, the
6 office of rural development shall be responsible for providing staff
7 support to the Missouri rural economic development council. The
8 office shall assist qualifying rural communities located in this state
9 to achieve the following goals, which are listed in order of priority:
10 (1) Assist existing businesses and employers to ensure their
11 viability within the rural communities;
12 (2) Assist existing businesses and employers in job creation
13 and expansion within the communities and assist in the
14 identification of financing alternatives;
15 (3) Provide assistance to communities in attracting new
16 employers;
17 (4) Assist existing businesses and encourage new
18 businesses which promote resource recovery, waste minimalization,
19 and recycling.
20 2. Subject to appropriations by the general assembly, the

21 director of the office of rural development shall employ support
22 staff that he deems necessary to administer this act.**]**

[620.163. 1. There is hereby established a "Rural
2 Communities Economic Assistance Program", which shall be
3 administered by the office of rural development. Under the
4 auspices of the rural communities economic assistance program
5 and, until June 30, 2000, with the recommendations of the
6 Missouri rural economic development council, the office of rural
7 development shall have the authority, until June 30, 2010, to make
8 available to qualifying rural communities grants-in-aid designed to
9 achieve the goals stated in subsection 1 of section 620.161. The
10 grants-in-aid awarded pursuant to this authority may be funded
11 out of the general revenue fund or from any other available source
12 allowed by law.

13 2. The office of rural development shall take applications
14 for grants-in-aid from sponsoring organizations on behalf of rural
15 communities. The applications shall be designed by the office of
16 rural development and shall contain information necessary to
17 determine the potential economic benefits of grants-in-aid to be
18 awarded, as well as other information deemed necessary for the
19 administration of this program.

20 3. The grants-in-aid to be awarded under the rural
21 communities economic development assistance program shall be
22 distributed to not more than twenty communities chosen by the
23 office of rural development with the recommendations of the
24 Missouri rural economic development council so long as it exists
25 from the applications received prior to February twenty-eighth of
26 each year. The grants-in-aid shall be distributed on July first of
27 each year to such communities in an amount not to exceed thirty
28 thousand dollars per community. No community may receive
29 grants-in-aid for more than two consecutive years. In order to
30 qualify for a grant-in-aid from the office of rural economic
31 development, each community must match the amount of the grant
32 with local funds equal to one-third of the grant-in-aid.

33 4. The sponsoring organization of each community chosen
34 to receive a grant-in-aid from the office of rural economic

35 development shall provide the community with equipment, office
36 space, telephone service, stationery, and such other office supplies
37 and services as are necessary to accomplish the goals set forth in
38 subsection 1 of section 620.161 and in the application submitted to
39 the office of rural economic development. The provision of such
40 supplies and services by the sponsoring organization may be used
41 to meet the one-third fund match requirement set forth in
42 subsection 3 of this section.**]**

[620.164. 1. Communities receiving grants-in-aid under the
2 rural communities economic assistance program shall hire such
3 personnel as are necessary to administer a program designed to
4 bring about economic development in the community. Such
5 personnel shall coordinate with the sponsoring organization or its
6 contractual designee pursuant to subsection 2 of this section to
7 maximize the utilization of funds and resources. Such personnel
8 shall work toward achieving the goals of the office of rural
9 development within the community and shall also assist in the
10 development of and investment opportunities within the
11 community, and shall generally encourage entrepreneurship within
12 the community. The office of rural development shall encourage
13 the communities to continue to fund local development offices after
14 the expiration of the program grants-in-aid for their communities.
15 As nearly as possible, the office of rural development shall require
16 communities receiving such grants-in-aid to cooperate with
17 adjacent rural communities in an effort to stimulate regional
18 economic development.

19 2. Sponsoring organizations may enter into contracts with
20 chambers of commerce, regional planning commissions as defined
21 in chapter 251, RSMo, or other entities involved in economic
22 development approved by the council to provide for the
23 administration of grants-in-aid made pursuant to this act.**]**

[620.165. 1. The office of rural development shall furnish
2 technical assistance to communities and local rural development
3 personnel by administering training seminars for such local
4 development personnel. The office may also furnish market
5 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

2 shall apply to the United States Secretary of Health and Human
3 Services for all waivers of requirements under federal law
4 necessary to implement the provisions of section A of this act.**]**

Section B. The repeal and reenactment of sections 99.918, 99.1082,
2 135.205, 135.207, 135.230, 135.530, 135.903, 135.953, 215.263, and 620.1023 of
3 section A of this act shall become effective on April 1, 2011, or when the United
4 States Census Bureau's American Community Survey, based on the most recent
5 of five-year period estimate data in which the final year of the estimate period
6 ends in zero becomes available, which first occurs. The commissioner of the office
7 of administration shall notify the revisor of statutes when the updated United
8 States Census Bureau data has been released.

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