

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 930
97TH GENERAL ASSEMBLY

2196H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 33.080, 144.030, 360.045, and 374.150, RSMo, and to enact in lieu thereof six new sections relating to rebuilding damaged infrastructure, with an existing penalty provision and an emergency clause.

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

Section A. Sections 33.080, 144.030, 360.045, and 374.150, RSMo, are repealed and six
2 new sections enacted in lieu thereof, to be known as sections 33.080, 33.295, 67.1020, 144.030,
3 360.045, and 374.150 to read as follows:

33.080. **1.** All fees, funds and moneys from whatsoever source received by any
2 department, board, bureau, commission, institution, official or agency of the state government
3 by virtue of any law or rule or regulation made in accordance with any law, excluding all funds
4 received and disbursed by the state on behalf of counties and cities, towns and villages shall, by
5 the official authorized to receive same, and at stated intervals of not more than thirty days, be
6 placed in the state treasury to the credit of the particular purpose or fund for which collected, and
7 shall be subject to appropriation by the general assembly for the particular purpose or fund for
8 which collected during the biennium in which collected and appropriated. The unexpended
9 balance remaining in all such funds (except such unexpended balance as may remain in any fund
10 authorized, collected and expended by virtue of the provisions of the constitution of this state)
11 shall at the end of the biennium and after all warrants on same have been discharged and the
12 appropriation thereof has lapsed, be transferred and placed to the credit of the [ordinary] **general**
13 revenue fund of the state by the state treasurer. Any official or any person who shall willfully
14 fail to comply with any of the provisions of this section, and any person who shall willfully
15 violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such
16 money received by the curators of the University of Missouri except those funds required by law

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

17 or by instrument granting the same to be paid into the seminary fund of the state, is excepted
18 herefrom, and in the case of other state educational institutions there is excepted herefrom, gifts
19 or trust funds from whatever source; appropriations; gifts or grants from the federal government,
20 private organizations and individuals; funds for or from student activities; farm or housing
21 activities; and other funds from which the whole or some part thereof may be liable to be repaid
22 to the person contributing the same; and hospital fees. All of the above excepted funds shall be
23 reported in detail quarterly to the governor and biennially to the general assembly.

24 **2. Notwithstanding any provision of law to the contrary concerning the funds listed**
25 **in subdivisions (1) and (2) of this subsection, the amount specified for each fund listed in**
26 **subdivisions (1) and (2) of this subsection shall be transferred and placed to the credit of**
27 **the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013. The**
28 **funds subject to the provisions of this subsection and the amount of the transfer are as**
29 **follows:**

30 **(1) Insurance dedicated fund established under section 374.150, ten million dollars;**

31 **(2) Department of revenue information fund established under section 32.067, one**
32 **million dollars.**

33 **3. Notwithstanding any provision of law to the contrary concerning the department**
34 **of revenue information fund established in section 32.067, two million dollars of such fund**
35 **shall be transferred and placed to the credit of the general revenue fund of the state on**
36 **July 1, 2013.**

33.295. 1. There is hereby established the "Rebuild Damaged Infrastructure
2 **Program" to provide funding for the reconstruction, replacement, or renovation of, or**
3 **repair to, any infrastructure damaged by a presidentially declared natural disaster,**
4 **including, but not limited to, the physical components of interrelated systems providing**
5 **essential commodities and services to the public which includes transportation,**
6 **communication, sewage, water, and electric systems as well as public elementary and**
7 **secondary school buildings.**

8 **2. There is hereby created in the state treasury the "Rebuild Damaged**
9 **Infrastructure Fund", which shall consist of money appropriated or collected under this**
10 **section. Any amount to be transferred to the fund on July 1, 2013, pursuant to subsection**
11 **2 of section 33.080 and subsection 2 of section 360.045, in excess of fifteen million dollars**
12 **shall instead be transferred to the state general revenue fund. The state treasurer shall be**
13 **custodian of the fund and may approve disbursements from the fund in accordance with**
14 **sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for**
15 **the purposes of this section. Any moneys remaining in the fund at the end of the biennium**
16 **shall revert to the credit of the general revenue fund. The state treasurer shall invest**

17 **moneys in the fund in the same manner as other funds are invested. Any interest and**
18 **moneys earned on such investments shall be credited to the fund.**

19 **3. The provisions of this section shall expire on June 30, 2014.**

67.1020. Nongovernmental agencies congressionally mandated to provide disaster
2 **relief services shall be exempt from paying a transient guest tax imposed under this chapter**
3 **and chapters 66, 92, and 94. No such tax shall be imposed on any person where payment**
4 **is being made by such an agency.**

144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and
13 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to

30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers
39 pulled by such motor vehicles, that are actually used in the normal course of business to haul
40 property on the public highways of the state, and that are capable of hauling loads commensurate
41 with the motor vehicle's registered weight; and the materials, replacement parts, and equipment
42 purchased for use directly upon, and for the repair and maintenance or manufacture of such
43 vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the
44 meaning as ascribed in section 390.020;

45 (5) Replacement machinery, equipment, and parts and the materials and supplies solely
46 required for the installation or construction of such replacement machinery, equipment, and
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
49 the materials and supplies required solely for the operation, installation or construction of such
50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material
52 recovery processing plant" means a facility that has as its primary purpose the recovery of
53 materials into a useable product or a different form which is used in producing a new product and
54 shall include a facility or equipment which are used exclusively for the collection of recovered
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials
58 within a manufacturing process or the use of a product previously recovered. The material
59 recovery processing plant shall qualify under the provisions of this section regardless of
60 ownership of the material being recovered;

61 (6) Machinery and equipment, and parts and the materials and supplies solely required
62 for the installation or construction of such machinery and equipment, purchased and used to
63 establish new or to expand existing manufacturing, mining or fabricating plants in the state if
64 such machinery and equipment is used directly in manufacturing, mining or fabricating a product
65 which is intended to be sold ultimately for final use or consumption;

66 (7) Tangible personal property which is used exclusively in the manufacturing,
67 processing, modification or assembling of products sold to the United States government or to
68 any agency of the United States government;

69 (8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70 (9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and
71 other machinery, equipment, replacement parts and supplies used in producing newspapers
72 published for dissemination of news to the general public;

73 (10) The rentals of films, records or any type of sound or picture transcriptions for public
74 commercial display;

75 (11) Pumping machinery and equipment used to propel products delivered by pipelines
76 engaged as common carriers;

77 (12) Railroad rolling stock for use in transporting persons or property in interstate
78 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
79 more or trailers used by common carriers, as defined in section 390.020, in the transportation of
80 persons or property;

81 (13) Electrical energy used in the actual primary manufacture, processing, compounding,
82 mining or producing of a product, or electrical energy used in the actual secondary processing
83 or fabricating of the product, or a material recovery processing plant as defined in subdivision
84 (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
85 energy so used exceeds ten percent of the total cost of production, either primary or secondary,
86 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
87 contain at least twenty-five percent recovered materials as defined in section 260.200. There
88 shall be a rebuttable presumption that the raw materials used in the primary manufacture of
89 automobiles contain at least twenty-five percent recovered materials. For purposes of this
90 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
91 materials to transform and reduce them to a different state or thing, including treatment necessary
92 to maintain or preserve such processing by the producer at the production facility;

93 (14) Anodes which are used or consumed in manufacturing, processing, compounding,
94 mining, producing or fabricating and which have a useful life of less than one year;

95 (15) Machinery, equipment, appliances and devices purchased or leased and used solely
96 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies
97 solely required for the installation, construction or reconstruction of such machinery, equipment,
98 appliances and devices;

99 (16) Machinery, equipment, appliances and devices purchased or leased and used solely
100 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies

101 solely required for the installation, construction or reconstruction of such machinery, equipment,
102 appliances and devices;

103 (17) Tangible personal property purchased by a rural water district;

104 (18) All amounts paid or charged for admission or participation or other fees paid by or
105 other charges to individuals in or for any place of amusement, entertainment or recreation, games
106 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a
107 municipality or other political subdivision where all the proceeds derived therefrom benefit the
108 municipality or other political subdivision and do not inure to any private person, firm, or
109 corporation;

110 (19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1,
111 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
112 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
113 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
114 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
115 administer those items, including samples and materials used to manufacture samples which may
116 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of
117 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and
118 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille
119 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
120 one or more physical or mental disabilities to enable them to function more independently, all
121 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic
122 alternative and augmentative communication devices, and items used solely to modify motor
123 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of
124 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by
125 the Food and Drug Administration to meet the over-the-counter drug product labeling
126 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
127 licensed to prescribe;

128 (20) All sales made by or to religious and charitable organizations and institutions in
129 their religious, charitable or educational functions and activities and all sales made by or to all
130 elementary and secondary schools operated at public expense in their educational functions and
131 activities;

132 (21) All sales of aircraft to common carriers for storage or for use in interstate commerce
133 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,
134 including fraternal organizations which have been declared tax-exempt organizations pursuant
135 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or
136 charitable functions and activities and all sales made to eleemosynary and penal institutions and

137 industries of the state, and all sales made to any private not-for-profit institution of higher
138 education not otherwise excluded pursuant to subdivision (20) of this subsection or any
139 institution of higher education supported by public funds, and all sales made to a state relief
140 agency in the exercise of relief functions and activities;

141 (22) All ticket sales made by benevolent, scientific and educational associations which
142 are formed to foster, encourage, and promote progress and improvement in the science of
143 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
144 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
145 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
146 fair conducted by a county agricultural and mechanical society organized and operated pursuant
147 to sections 262.290 to 262.530;

148 (23) All sales made to any private not-for-profit elementary or secondary school, all sales
149 of feed additives, medications or vaccines administered to livestock or poultry in the production
150 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
151 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
152 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
153 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as
154 defined in section 142.028, natural gas, propane, and electricity used by an eligible new
155 generation cooperative or an eligible new generation processing entity as defined in section
156 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
157 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
158 additives" means tangible personal property which, when mixed with feed for livestock or
159 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term
160 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted
161 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark
162 the application of pesticides and herbicides for the production of crops, livestock or poultry. As
163 used in this subdivision, the term "farm machinery and equipment" means new or used farm
164 tractors and such other new or used farm machinery and equipment and repair or replacement
165 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary
166 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,
167 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,
168 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and
169 one-half of each purchaser's purchase of diesel fuel therefor which is:

170 (a) Used exclusively for agricultural purposes;

171 (b) Used on land owned or leased for the purpose of producing farm products; and

172 (c) Used directly in producing farm products to be sold ultimately in processed form or
173 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
174 ultimately in processed form at retail;

175 (24) Except as otherwise provided in section 144.032, all sales of metered water service,
176 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil
177 for domestic use and in any city not within a county, all sales of metered or unmetered water
178 service for domestic use:

179 (a) "Domestic use" means that portion of metered water service, electricity, electrical
180 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
181 within a county, metered or unmetered water service, which an individual occupant of a
182 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
183 service through a single or master meter for residential apartments or condominiums, including
184 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
185 Each seller shall establish and maintain a system whereby individual purchases are determined
186 as exempt or nonexempt;

187 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
188 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
189 with and approved by the Missouri public service commission. Sales and purchases made
190 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
191 of the occupants of residential apartments or condominiums through a single or master meter,
192 including service for common areas and facilities and vacant units, shall be considered as sales
193 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
194 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
195 service rate classification and the provision of service thereunder shall be conclusive as to
196 whether or not the utility must charge sales tax;

197 (c) Each person making domestic use purchases of services or property and who uses any
198 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
199 of the fourth month following the year of purchase, and without assessment, notice or demand,
200 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
201 nondomestic purchases of services or property and who uses any portion of the services or
202 property so purchased for domestic use, and each person making domestic purchases on behalf
203 of occupants of residential apartments or condominiums through a single or master meter,
204 including service for common areas and facilities and vacant units, under a nonresidential utility
205 service rate classification may, between the first day of the first month and the fifteenth day of
206 the fourth month following the year of purchase, apply for credit or refund to the director of
207 revenue and the director shall give credit or make refund for taxes paid on the domestic use

208 portion of the purchase. The person making such purchases on behalf of occupants of residential
209 apartments or condominiums shall have standing to apply to the director of revenue for such
210 credit or refund;

211 (25) All sales of handicraft items made by the seller or the seller's spouse if the seller or
212 the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such
213 sales do not constitute a majority of the annual gross income of the seller;

214 (26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,
215 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of
216 revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes
217 on such excise taxes;

218 (27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne
219 vessels which are used primarily in or for the transportation of property or cargo, or the
220 conveyance of persons for hire, on navigable rivers bordering on or located in part in this state,
221 if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while
222 it is afloat upon such river;

223 (28) All sales made to an interstate compact agency created pursuant to sections 70.370
224 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such
225 agency as provided pursuant to the compact;

226 (29) Computers, computer software and computer security systems purchased for use
227 by architectural or engineering firms headquartered in this state. For the purposes of this
228 subdivision, "headquartered in this state" means the office for the administrative management
229 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

230 (30) All livestock sales when either the seller is engaged in the growing, producing or
231 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering
232 or leasing of such livestock;

233 (31) All sales of barges which are to be used primarily in the transportation of property
234 or cargo on interstate waterways;

235 (32) Electrical energy or gas, whether natural, artificial or propane, water, or other
236 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
237 products or in any material recovery processing plant as defined in subdivision (5) of this
238 subsection;

239 (33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or
240 herbicides used in the production of crops, aquaculture, livestock or poultry;

241 (34) Tangible personal property and utilities purchased for use or consumption directly
242 or exclusively in the research and development of agricultural/biotechnology and plant genomics
243 products and prescription pharmaceuticals consumed by humans or animals;

- 244 (35) All sales of grain bins for storage of grain for resale;
- 245 (36) All sales of feed which are developed for and used in the feeding of pets owned by
246 a commercial breeder when such sales are made to a commercial breeder, as defined in section
247 273.325, and licensed pursuant to sections 273.325 to 273.357;
- 248 (37) All purchases by a contractor on behalf of an entity located in another state,
249 provided that the entity is authorized to issue a certificate of exemption for purchases to a
250 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
251 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
252 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
253 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
254 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
255 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
256 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
257 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
258 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
259 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
260 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
261 or remodeling facilities for the following:
- 262 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
263 project exemption certificates in accordance with the provisions of section 144.062; or
- 264 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
265 an exemption certificate to contractors in accordance with the provisions of that state's law and
266 the applicable provisions of this section;
- 267 (38) All sales or other transfers of tangible personal property to a lessor who leases the
268 property under a lease of one year or longer executed or in effect at the time of the sale or other
269 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections
270 238.010 to 238.100;
- 271 (39) Sales of tickets to any collegiate athletic championship event that is held in a facility
272 owned or operated by a governmental authority or commission, a quasi-governmental agency,
273 a state university or college or by the state or any political subdivision thereof, including a
274 municipality, and that is played on a neutral site and may reasonably be played at a site located
275 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
276 is not located on the campus of a conference member institution participating in the event;
- 277 (40) All purchases by a sports complex authority created under section 64.920, and all
278 sales of utilities by such authority at the authority's cost that are consumed in connection with
279 the operation of a sports complex leased to a professional sports team;

280 (41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement
281 parts, and equipment purchased for use directly upon, and for the modification, replacement,
282 repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

283 (42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or
284 similar places of business for use in the normal course of business and money received by a
285 shooting range or similar places of business from patrons and held by a shooting range or similar
286 place of business for redistribution to patrons at the conclusion of a shooting event;

287 **(43) Sales made to any person where payment is being made by a nongovernmental**
288 **agency as part of a disaster relief service.**

360.045. 1. The authority shall have the following powers together with all powers
2 incidental thereto or necessary for the performance thereof:

3 (1) To have perpetual succession as a body politic and corporate;

4 (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

5 (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court
6 having jurisdiction of the subject matter and of the parties;

7 (4) To have and to use a corporate seal and to alter the same at pleasure;

8 (5) To maintain an office at such place or places in the state of Missouri as it may
9 designate;

10 (6) To determine the location and construction of any facility to be financed under the
11 provisions of sections 360.010 to 360.140, and to construct, reconstruct, repair, alter, improve,
12 extend, maintain, lease, and regulate the same; and to designate a participating health institution
13 or a participating educational institution, as the case may be, as its agent to determine the
14 location and construction of a facility undertaken by such participating health institution or
15 participating educational institution, as the case may be, under the provisions of sections 360.010
16 to 360.140, to construct, reconstruct, repair, alter, improve, extend, maintain, and regulate the
17 same, and to enter into contracts for any and all of such purposes including contracts for the
18 management and operation of the facility;

19 (7) To lease to a participating health institution or a participating educational institution,
20 as the case may be, the particular health or educational facility or facilities, as the case may be,
21 upon such terms and conditions as the authority shall deem proper; to charge and collect rent
22 therefor; to terminate any such lease upon the failure of the lessee to comply with any of the
23 obligations thereof; to include in any such lease, if desired, provisions that the lessee thereof
24 shall have options to renew the term of the lease for such period or periods at such rent as shall
25 be determined by the authority or to purchase any or all of the particular leased facility or
26 facilities; and, upon payment of all of the indebtedness incurred by the authority for the financing
27 of the facility or facilities, to convey any or all of such facility or facilities to the lessee or lessees

28 thereof. Every lease agreement between the authority and an institution must contain a clause
29 obligating the institution not to use the leased land, nor any facility located thereon, for sectarian
30 instruction or study or as a place of religious worship, or in connection with any part of the
31 program of a school or department of divinity of any religious denomination; to insure that this
32 covenant is honored, each lease agreement shall allow the authority to conduct inspections, and
33 every conveyance of title to an institution shall contain a restriction against use for any sectarian
34 purpose;

35 (8) To issue its bonds, notes, or other obligations for any of its corporate purposes and
36 to refund the same, all as provided in sections 360.010 to 360.140;

37 (9) **To transfer assets of the authority to the rebuild damaged infrastructure fund**
38 **created in section 33.295;**

39 (10) To fix and revise from time to time and make and collect rates, rents, fees, and
40 charges for the use of and services furnished or to be furnished by any facility or facilities or any
41 portion thereof and to contract with any person, firm, or corporation or other body, public or
42 private, in respect thereof; except that the authority shall have no jurisdiction over rates, rents,
43 fees, and charges established by a participating educational institution for its students or
44 established by a participating health institution for its patients other than to require that such
45 rates, rents, fees, and charges by such an institution be sufficient to discharge the institution's
46 obligations to the authority;

47 [(10)] (11) To establish rules and regulations for review by or on behalf of the authority
48 of the retention or employment by a participating health institution or by a participating
49 educational institution, as the case may be, of consulting engineers, architects, attorneys,
50 accountants, construction and finance experts, superintendents, managers, and such other
51 employees and agents as shall be determined to be necessary in connection with any such facility
52 or facilities and for review by or on behalf of the authority of all reports, studies, or other
53 material prepared in connection with any bond issue of the authority for any such facility or
54 facilities. The costs incurred or to be incurred by a participating health institution or by a
55 participating educational institution in connection with the review shall be deemed, where
56 appropriate, an expense of constructing the facility or facilities or, where appropriate, shall be
57 deemed an annual expense of operation and maintenance of the facility or facilities;

58 [(11)] (12) To receive and accept from any public agency loans or grants for or in aid of
59 the construction of a facility or facilities, or any portion thereof, or for equipping the same and
60 to receive and accept grants, gifts, or other contributions from any source;

61 [(12)] (13) To mortgage or pledge all or any portion of any facility or facilities, including
62 any other health or educational facility or facilities conveyed to the authority for such purpose
63 and the site or sites thereof, whether then owned or thereafter acquired, for the benefit of the

64 holders of the bonds of the authority issued to finance such facility or facilities or any portion
65 thereof or issued to refund or refinance outstanding indebtedness of a private health institution
66 or a private institution of higher education as permitted by sections 360.010 to 360.140;

67 [(13)] (14) To make loans to any participating health institution or participating
68 educational institution, as the case may be, for the cost of any facility or facilities in accordance
69 with an agreement between the authority and such participating health institution or participating
70 educational institution, as the case may be; except that no such loan shall exceed the total cost
71 of such facility or facilities as determined by the participating health institution or participating
72 educational institution, as the case may be, and approved by the authority;

73 [(14)] (15) To make loans to a participating health institution or participating educational
74 institution, as the case may be, to refund outstanding obligations, mortgages, or advances issued,
75 made, or given by the institution for the cost of its facility or facilities, including the power to
76 issue bonds and make loans to a participating health institution or participating educational
77 institution, as the case may be, to refinance indebtedness incurred for facilities undertaken and
78 completed prior to or after September 28, 1975, whenever the authority finds that the financing
79 is in the public interest, alleviates a financial hardship upon the participating health institution
80 or participating educational institution, as the case may be, and results in a lesser cost of patient
81 care or cost of education and a saving to third parties, including state or federal governments, and
82 to others who must pay for the care or education;

83 [(15)] (16) To inspect any and all facilities assisted by the authority in any way to enforce
84 the prohibition against sectarian or religious use at any time; and

85 [(16)] (17) To do all things necessary and convenient to carry out the purposes of
86 sections 360.010 to 360.140.

87 **2. Notwithstanding any provision of law to the contrary, including section 360.115,**
88 **the authority shall transfer four million dollars of the assets of the authority to the rebuild**
89 **damaged infrastructure fund created in section 33.295 on July 1, 2013.**

374.150. 1. All fees due the state under the provisions of the insurance laws of this state
2 shall be paid to the director of revenue and deposited in the state treasury to the credit of the
3 insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

4 2. There is hereby established in the state treasury a special fund to be known as the
5 "Insurance Dedicated Fund". The fund shall be subject to appropriation of the general assembly
6 and shall be devoted solely to the payment of expenditures incurred by the department
7 attributable to duties performed by the department for the regulation of the business of insurance,
8 regulation of health maintenance organizations and the operation of the division of consumer
9 affairs as required by law which are not paid for by another source of funds. Other provisions
10 of law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any

11 provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due
12 the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the
13 same manner as other state funds and any interest or earnings on such moneys shall be credited
14 to the insurance dedicated fund. The provisions of section 33.080 notwithstanding, moneys in
15 the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund
16 unless and then only to the extent to which the unencumbered balance at the close of the
17 biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund
18 during such fiscal year.

19 **3. Notwithstanding provisions of this section to the contrary, five hundred thousand**
20 **dollars of the insurance dedicated fund shall annually be transferred and placed to the**
21 **credit of the state general revenue fund on July first beginning with fiscal year 2014.**

Section B. Because of the necessity to provide funding for the reconstruction,
2 replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially
3 declared natural disaster, section A of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and section A of this act shall be in full
6 force and effect upon its passage and approval.

✓