SECOND REGULAR SESSION

HOUSE REVISION BILL NO. 1298

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FLANIGAN (Sponsor) AND ALLEN (Co-sponsor).

4783L.01I D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 8.305, 21.485, 21.800, 21.801, 21.830, 21.910, 82.291, 105.915, 143.811, 160.254, 160.534, 160.932, 160.933, 167.194, 168.081, 168.083, 171.033, 191.115, 192.105, 196.1035, 197.291, 208.955, 262.950, 301.129, 311.489, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, 383.250, 393.171, 407.485, 443.805, 488.2205, 542.301, 620.602, 630.461, 633.410, 640.850, 650.120, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450, 660.455, 660.460, 660.465, 701.058, and 701.502, RSMo, and to enact in lieu thereof eleven new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions, with a penalty provision.

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

Section A. Sections 8.305, 21.485, 21.800, 21.801, 21.830, 21.910, 82.291, 105.915, 143.811, 160.254, 160.534, 160.932, 160.933, 167.194, 168.081, 168.083, 171.033, 191.115, 192.105, 196.1035, 197.291, 208.955, 262.950, 301.129, 311.489, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, 383.250, 393.171, 407.485, 443.805, 488.2205, 542.301, 620.602, 630.461, 633.410, 640.850, 650.120, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450, 660.455, 660.460, 660.465, 701.058, and 701.502, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 105.915, 143.811, 160.254, 160.534, 168.081, 171.033, 196.1035, 208.955, 407.485, 443.805, and 542.301, to read as follows:

105.915. 1. The board of trustees of the Missouri state employees' retirement system shall administer the deferred compensation fund for the employees of the state of Missouri that was previously administered by the deferred compensation commission, as established in section 105.910, prior to August 28, 2007. The board shall be vested with the same powers that it has under chapter 104 to enable it and its officers, employees, and agents to administer the fund

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.

6 under sections 105.900 to 105.927. **[**Two of the commissioners serving on the deferred
7 compensation commission immediately prior to the transfer made to the board under section
8 105.910 shall serve as ex officio members of the board solely to participate in the duties of
9 administering the deferred compensation fund. One such commissioner serving as an ex officio
10 board member shall be a member of the house of representatives selected by the speaker of the
11 house of representatives, and such commissioner's service on the board shall cease on December
12 31, 2009. The other commissioner serving as an ex officio board member shall be the chairman
13 of the deferred compensation commission immediately prior to the transfer made to the board
14 under section 105.910, and such commissioner's service on the board shall cease December 31,
15 2008.**]**
16 2. Except as provided in this subsection, participation in such plan shall be by a specific
17 written agreement between state employees and the state, which shall provide for the deferral of
18 such amounts of compensation as requested by the employee subject to any limitations imposed
19 under federal law. Participating employees must authorize that such deferrals be made from their
20 wages for the purpose of participation in such program. An election to defer compensation shall
21 be made before the beginning of the month in which the compensation is paid. Contributions
22 shall be made for payroll periods occurring on or after the first day of the month after the election
23 is made. Each employee eligible to participate in the plan hired on or after July 1, 2012, shall
24 be enrolled in the plan automatically and his or her employer shall, in accordance with the plan
25 document, withhold and contribute to the plan an amount equal to one percent of eligible
26 compensation received on and after the date of hire, unless the employee elects not to participate
27 in the plan within the first thirty days of employment, and in that event, any amounts contributed
28 and earnings thereon will be refunded by the plan to the employee pursuant to the procedure
29 contained in the plan documents. Employees who are employed by a state college or university
30 shall not be automatically enrolled but may elect to participate in the plan and make
31 contributions in accordance with the terms of the plan. Employees who are enrolled
32 automatically may elect to change the contribution rate in accordance with the terms of the plan.
33 Employees who elect not to participate in the plan may at a later date elect to participate in the
34 plan and make contributions in accordance with the terms of the plan. All assets and income of
35 such fund shall be held in trust by the board for the exclusive benefit of participants and their
36 beneficiaries. Assets of such trust, and the trust established pursuant to section 105.927, may
37 be pooled solely for investment management purposes with assets of the trust established under
38 section 104.320.
39 3. Notwithstanding any other provision of sections 105.900 to 105.927, funds held for
40 the state by the board in accordance with written deferred compensation agreements between the
41 state and participating employees may be invested in such investments as are deemed appropriate

42 by the board. All administrative costs of the program described in this section, including staffing
43 and overhead expenses, may be paid out of assets of the fund, which may reduce the amount due
44 participants in the fund. Such investments shall not be construed to be a prohibited use of the
45 general assets of the state.

46 4. Investments offered under the deferred compensation fund for the employees of the
47 state of Missouri shall be made available at the discretion of the board.

48 5. The board and employees of the Missouri state employees' retirement system shall be
49 immune from suit and shall not be subject to any claim or liability associated with any
50 administrative actions or decisions made by the commission with regard to the deferred
51 compensation program prior to the transfer made to the board under section 105.910.

52 6. The board and employees of the system shall not be liable for the investment decisions
53 made or not made by participating employees as long as the board acts with the same skill,
54 prudence, and diligence in the selection and monitoring of providers of investment products,
55 education, advice, or any default investment option, under the circumstances then prevailing that
56 a prudent person acting in a similar capacity and familiar with those matters would use in the
57 conduct of a similar enterprise with similar aims.

58 7. The system shall be immune from suit and shall not be subject to any claim or liability
59 associated with the administration of the deferred compensation fund by the board and
60 employees of the system.

61 8. Beginning on or after September 1, 2011, if a participant under the deferred
62 compensation plan or the plan established under section 105.927 is married on the date of his or
63 her death, the participant's surviving spouse shall be automatically designated as the primary
64 beneficiary under both plans, unless the surviving spouse consented in writing, witnessed by a
65 notary public, to allow the participant to designate a nonspouse beneficiary. As used in this
66 subsection, "surviving spouse" means the spouse as defined pursuant to section 104.012 to whom
67 the participant is lawfully married on the date of death of the participant, provided that a former
68 spouse shall be treated as the surviving spouse of the participant to the extent provided under a
69 judgment, decree, or order that relates to child support, alimony payments, or marital property
70 rights made under Missouri domestic relations law that creates or recognizes the existence of
71 such former spouse's right to receive all or a portion expressed as a stated dollar amount or
72 specific percentage stated in integers of the benefits payable from such plan upon the death of
73 the participant. This subsection shall not apply to beneficiary designations made prior to
74 September 1, 2011.

75 9. The board may adopt and amend plan documents to change the terms and conditions
76 of the deferred compensation plan and the plan established under section 105.927 that are
77 consistent with federal law.

143.811. 1. Under regulations prescribed by the director of revenue, interest shall be allowed and paid at the rate determined by section 32.065 on any overpayment in respect of the tax imposed by sections 143.011 to 143.996; except that, where the overpayment resulted from the filing of an amendment of the tax by the taxpayer after the last day prescribed for the filing of the return, interest shall be allowed and paid at the rate of six percent per annum. With respect to the part of an overpayment attributable to a deposit made pursuant to subsection 2 of section 143.631, interest shall be paid thereon at the rate in section 32.065 from the date of the deposit to the date of refund. No interest shall be allowed or paid if the amount thereof is less than one dollar.

2. For purposes of this section:

(1) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day determined without regard to any extension of time granted the taxpayer;

(2) Any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year, and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by him on the fifteenth day of the fourth month following the close of his taxable year to which such amount constitutes a credit or payment.

3. For purposes of this section with respect to any withholding tax:

(1) If a return for any period ending with or within a calendar year is filed before April fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of such succeeding calendar year; and

(2) If a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be considered paid on April fifteenth of such succeeding calendar year.

4. If any overpayment of tax imposed by sections 143.061 and 143.071 is refunded within four months after the last date prescribed (or permitted by extension of time) for filing the return of such tax or within four months after the return was filed, whichever is later, no interest shall be allowed under this section on overpayment.

5. If any overpayment of tax imposed by sections 143.011 and 143.041 is refunded within ninety days after the last date prescribed or permitted by extension of time for filing the return of such tax, no interest shall be allowed under this section on overpayment.

6. Any overpayment resulting from a carryback, including a net operating loss and a corporate capital loss, shall be deemed not to have been made prior to the close of the taxable year in which the loss arises.

7. Any overpayment resulting from a carryback of a tax credit, including but not limited to the tax credits provided in sections 253.557 and 348.432, shall be deemed not to have been made prior to the close of the taxable year in which the tax credit was authorized. **[**In fiscal year 2003, the commissioner of administration shall estimate the amount of any additional state revenue received pursuant to the provisions of this subsection and shall transfer an equivalent amount of general revenue to the schools of the future fund created in section 163.005.**]**

160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Education", which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house.

2. The committee shall meet at least twice a year. In the event of three consecutive absences on the part of any member, such member may be removed from the committee.

3. The committee shall select either a chairman or cochairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.

4. The committee shall:

(1) Review and monitor the progress of education in the state's public schools and institutions of higher education;

(2) Receive reports from the commissioner of education concerning the public schools and from the commissioner of higher education concerning institutions of higher education;

(3) Conduct a study and analysis of the public school system;

(4) Make recommendations to the general assembly for legislative action;

(5) Conduct an in-depth study concerning all issues relating to the equity and adequacy of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall funding levels for schools and any other education funding-related issues the committee deems relevant;

(6) Monitor the establishment of performance measures as required by section 173.1006 and report on their establishment to the governor and the general assembly;

(7) Conduct studies and analysis regarding:

(a) The higher education system, including financing public higher education and the provision of financial aid for higher education; and

(b) The feasibility of including students enrolled in proprietary schools, as that term is defined in section 173.600, in all state-based financial aid programs;

30 (8) Annually review the collection of information under section 173.093 to facilitate a
31 more accurate comparison of the actual costs at public and private higher education institutions;
32 (9) Within three years of August 28, 2007, review a new model for the funding of public
33 higher education institutions upon submission of such model by the coordinating board for
34 higher education;
35 (10) Within three years of August 28, 2007, review the impact of the higher education
36 student funding act established in sections 173.1000 to 173.1006;
37 (11) Beginning August 28, 2008, upon review, approve or deny any expenditures made
38 by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of
39 section 160.530.
40 5. **[**During the legislative interim between the first regular session of the ninety-fifth
41 general assembly through January 29, 2010, of the second regular session of the ninety-fifth
42 general assembly, the joint committee on education shall study the issue of open enrollment for
43 public school students across school district boundary lines in this state. In studying this issue,
44 the joint committee may solicit input and information necessary to fulfill its obligation, including
45 but not limited to soliciting input and information from any state department, state agency,
46 school district, political subdivisions of this state, teachers, and the general public. The joint
47 committee shall prepare a final report, together with its recommendations for any legislative
48 action deemed necessary for submission to the general assembly by December 31, 2009.
49 6.**]** The committee may make reasonable requests for staff assistance from the research
50 and appropriations staffs of the house and senate and the committee on legislative research, as
51 well as the department of elementary and secondary education, the department of higher
52 education, the coordinating board for higher education, the state tax commission, the department
53 of economic development, all school districts and other political subdivisions of this state,
54 teachers and teacher groups, business and other commercial interests and any other interested
55 persons.
56 **[**7.**] 6.** Members of the committee shall receive no compensation but may be reimbursed
57 for reasonable and necessary expenses associated with the performance of their official duties.

160.534. **[**1.**]** For fiscal year 1996 and each subsequent fiscal year, any amount of the
2 excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess
3 of the amount transferred to the school district bond fund as provided in section 164.303 shall
4 be transferred to the classroom trust fund. Such moneys shall be distributed in the manner
5 provided in section 163.043.
6 **[**2. Starting in fiscal year 2009, and for each subsequent fiscal year, all excursion
7 gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the
8 amount transferred to the classroom trust fund for fiscal year 2008 plus the amount appropriated

to the school district bond fund in accordance with section 164.303 shall be deposited into the schools first elementary and secondary education improvement fund. The provisions of this subsection shall terminate on July 1, 2010.

3. The amounts deposited in the schools first elementary and secondary education improvement fund pursuant to this section shall constitute new and additional funding for elementary and secondary education and shall not be used to replace existing funding provided for elementary and secondary education. The provisions of this subsection shall terminate on July 1, 2009.**]**

168.081. After September 1, 1988, no person without a valid Missouri certificate shall:

(1) Engage in the practice of teaching or the performance of education duties in grades kindergarten through twelve in any public school in the state;

(2) Act as a school administrator in any public school district**[**, unless such person obtains a temporary administrator certificate pursuant to section 168.083**]**.

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

2. A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

3. **[**In the 2008-09 school year a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

4.**]** In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

[5.**]** **4.** The commissioner of education may provide, for any school district in which schools are in session for twelve months of each calendar year that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from

24 such requirement. This waiver shall be requested from the commissioner of education and may
25 be granted if the school was closed due to circumstances beyond school district control,
26 including inclement weather, flooding or fire.

196.1035. 1. A determination of the director not to list, or to remove from the directory,
2 a brand family or tobacco product manufacturer shall be subject to review by a court of
3 competent jurisdiction.

4 2. No person shall be issued, or granted a renewal of, a license under chapter 149 unless
5 such person has certified, in writing and under the penalty of perjury, that such person will
6 comply fully with sections 196.1020 to 196.1035.

7 3. **[**For the calendar year 2010, if the effective date of sections 196.1020 to 196.1035 is
8 later than March 16, 2010:

9 (1) The first report of stamping agents required in subsection 1 of section 196.1029 shall
10 be due thirty calendar days after July 7, 2010;

11 (2) The certification by a tobacco product manufacturer described in subsection 1 of
12 section 196.1023 shall be due forty-five calendar days after July 7, 2010; and

13 (3) The directory described in subsection 2 of section 196.1023 shall be published, or
14 made available, within one hundred thirty-five calendar days after July 7, 2010.

15 4.**]** The director may promulgate rules necessary to effect the purpose of sections
16 196.1020 to 196.1035. Any rule or portion of a rule, as that term is defined in section 536.010
17 that is created under the authority delegated in this section shall become effective only if it
18 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
19 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
20 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
21 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
22 and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

23 **[**5.**] 4.** There is hereby created in the state treasury the "Tobacco Control Special Fund",
24 which shall consist of money collected under this section. The state treasurer shall be custodian
25 of the fund and may approve disbursements from the fund in accordance with sections 30.170
26 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration
27 of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the
28 credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the
29 same manner as other funds are invested. Any interest and moneys earned on such investments
30 shall be credited to the fund.

31 **[**6.**] 5.** If a court of competent jurisdiction determines that a person has violated sections
32 196.1020 to 196.1035, such court shall order any profits, gains, gross receipts, or other benefits
33 from such violation be disgorged and paid to the state treasurer for deposit in the "Tobacco

34 Control Special Fund" **which is hereby created**. Unless otherwise expressly provided, the
35 remedies or penalties provided by sections 196.1020 to 196.1035 are cumulative to each other
36 and to the remedies or penalties available under all other laws of this state.

37 **[**7.**] 6.** If a court of competent jurisdiction finds that the provisions of sections 196.1003
38 and 196.1020 to 196.1035 conflict and cannot be harmonized, the provisions of section 196.1003
39 shall control. If any section or portion of a section in sections 196.1020 to 196.1035 causes
40 section 196.1003 to no longer constitute a qualifying or model statute, as those terms are defined
41 in the master settlement agreement, that portion of sections 196.1020 to 196.1035 shall be
42 invalid.

208.955. 1. There is hereby established in the department of social services the "MO
2 HealthNet Oversight Committee", which shall be appointed by January 1, 2008, and shall consist
3 of nineteen members as follows:

4 (1) Two members of the house of representatives, one from each party, appointed by the
5 speaker of the house of representatives and the minority floor leader of the house of
6 representatives;

7 (2) Two members of the Senate, one from each party, appointed by the president pro tem
8 of the senate and the minority floor leader of the senate;

9 (3) One consumer representative who has no financial interest in the health care industry
10 and who has not been an employee of the state within the last five years;

11 (4) Two primary care physicians, licensed under chapter 334, who care for participants,
12 not from the same geographic area, chosen in the same manner as described in section 334.120;

13 (5) Two physicians, licensed under chapter 334, who care for participants but who are
14 not primary care physicians and are not from the same geographic area, chosen in the same
15 manner as described in section 334.120;

16 (6) One representative of the state hospital association;

17 (7) Two nonphysician health care professionals, the first nonphysician health care
18 professional licensed under chapter 335 and the second nonphysician health care professional
19 licensed under chapter 337, who care for participants;

20 (8) One dentist, who cares for participants, chosen in the same manner as described in
21 section 332.021;

22 (9) Two patient advocates who have no financial interest in the health care industry and
23 who have not been employees of the state within the last five years;

24 (10) One public member who has no financial interest in the health care industry and
25 who has not been an employee of the state within the last five years; and

26 (11) The directors of the department of social services, the department of mental health,
27 the department of health and senior services, or the respective directors' designees, who shall
28 serve as ex officio members of the committee.
29 2. The members of the oversight committee, other than the members from the general
30 assembly and ex officio members, shall be appointed by the governor with the advice and
31 consent of the senate. A chair of the oversight committee shall be selected by the members of
32 the oversight committee. Of the members first appointed to the oversight committee by the
33 governor, eight members shall serve a term of two years, seven members shall serve a term of
34 one year, and thereafter, members shall serve a term of two years. Members shall continue to
35 serve until their successor is duly appointed and qualified. Any vacancy on the oversight
36 committee shall be filled in the same manner as the original appointment. Members shall serve
37 on the oversight committee without compensation but may be reimbursed for their actual and
38 necessary expenses from moneys appropriated to the department of social services for that
39 purpose. The department of social services shall provide technical, actuarial, and administrative
40 support services as required by the oversight committee. The oversight committee shall:
41 (1) Meet on at least four occasions annually, including at least four before the end of
42 December of the first year the committee is established. Meetings can be held by telephone or
43 video conference at the discretion of the committee;
44 (2) Review the participant and provider satisfaction reports and the reports of health
45 outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices
46 as required of the health improvement plans and the department of social services under section
47 208.950;
48 (3) Review the results from other states of the relative success or failure of various
49 models of health delivery attempted;
50 (4) Review the results of studies comparing health plans conducted under section
51 208.950;
52 (5) Review the data from health risk assessments collected and reported under section
53 208.950;
54 (6) Review the results of the public process input collected under section 208.950;
55 (7) Advise and approve proposed design and implementation proposals for new health
56 improvement plans submitted by the department, as well as make recommendations and suggest
57 modifications when necessary;
58 (8) Determine how best to analyze and present the data reviewed under section 208.950
59 so that the health outcomes, participant and provider satisfaction, results from other states, health
60 plan comparisons, financial impact of the various health improvement plans and models of care,

61 study of provider access, and results of public input can be used by consumers, health care
62 providers, and public officials;
63 (9) Present significant findings of the analysis required in subdivision (8) of this
64 subsection in a report to the general assembly and governor, at least annually, beginning January
65 1, 2009;
66 (10) Review the budget forecast issued by the legislative budget office, and the report
67 required under subsection (22) of subsection 1 of section 208.151, and after study:
68 (a) Consider ways to maximize the federal drawdown of funds;
69 (b) Study the demographics of the state and of the MO HealthNet population, and how
70 those demographics are changing;
71 (c) Consider what steps are needed to prepare for the increasing numbers of participants
72 as a result of the baby boom following World War II;
73 (11) Conduct a study to determine whether an office of inspector general shall be
74 established. Such office would be responsible for oversight, auditing, investigation, and
75 performance review to provide increased accountability, integrity, and oversight of state medical
76 assistance programs, to assist in improving agency and program operations, and to deter and
77 identify fraud, abuse, and illegal acts. The committee shall review the experience of all states
78 that have created a similar office to determine the impact of creating a similar office in this state;
79 and
80 (12) Perform other tasks as necessary, including but not limited to making
81 recommendations to the division concerning the promulgation of rules and emergency rules so
82 that quality of care, provider availability, and participant satisfaction can be assured.
83 3. **[**By July 1, 2011, the oversight committee shall issue findings to the general assembly
84 on the success and failure of health improvement plans and shall recommend whether or not any
85 health improvement plans should be discontinued.
86 4.**]** The oversight committee shall designate a subcommittee devoted to advising the
87 department on the development of a comprehensive entry point system for long-term care that
88 shall:
89 (1) Offer Missourians an array of choices including community-based, in-home,
90 residential and institutional services;
91 (2) Provide information and assistance about the array of long-term care services to
92 Missourians;
93 (3) Create a delivery system that is easy to understand and access through multiple
94 points, which shall include but shall not be limited to providers of services;
95 (4) Create a delivery system that is efficient, reduces duplication, and streamlines access
96 to multiple funding sources and programs;

97 (5) Strengthen the long-term care quality assurance and quality improvement system;
98 (6) Establish a long-term care system that seeks to achieve timely access to and payment
99 for care, foster quality and excellence in service delivery, and promote innovative and
100 cost-effective strategies; and
101 (7) Study one-stop shopping for seniors as established in section 208.612.
102 **[**5.**] 4.** The subcommittee shall include the following members:
103 (1) The lieutenant governor or his or her designee, who shall serve as the subcommittee
104 chair;
105 (2) One member from a Missouri area agency on aging, designated by the governor;
106 (3) One member representing the in-home care profession, designated by the governor;
107 (4) One member representing residential care facilities, predominantly serving MO
108 HealthNet participants, designated by the governor;
109 (5) One member representing assisted living facilities or continuing care retirement
110 communities, predominantly serving MO HealthNet participants, designated by the governor;
111 (6) One member representing skilled nursing facilities, predominantly serving MO
112 HealthNet participants, designated by the governor;
113 (7) One member from the office of the state ombudsman for long-term care facility
114 residents, designated by the governor;
115 (8) One member representing Missouri centers for independent living, designated by the
116 governor;
117 (9) One consumer representative with expertise in services for seniors or persons with
118 a disability, designated by the governor;
119 (10) One member with expertise in Alzheimer's disease or related dementia;
120 (11) One member from a county developmental disability board, designated by the
121 governor;
122 (12) One member representing the hospice care profession, designated by the governor;
123 (13) One member representing the home health care profession, designated by the
124 governor;
125 (14) One member representing the adult day care profession, designated by the governor;
126 (15) One member gerontologist, designated by the governor;
127 (16) Two members representing the aged, blind, and disabled population, not of the same
128 geographic area or demographic group designated by the governor;
129 (17) The directors of the departments of social services, mental health, and health and
130 senior services, or their designees; and
131 (18) One member of the house of representatives and one member of the senate serving
132 on the oversight committee, designated by the oversight committee chair.

133 Members shall serve on the subcommittee without compensation but may be reimbursed for their
134 actual and necessary expenses from moneys appropriated to the department of health and senior
135 services for that purpose. The department of health and senior services shall provide technical
136 and administrative support services as required by the committee.

137 **[**6. By October 1, 2008, the comprehensive entry point system subcommittee shall
138 submit its report to the governor and general assembly containing recommendations for the
139 implementation of the comprehensive entry point system, offering suggested legislative or
140 administrative proposals deemed necessary by the subcommittee to minimize conflict of interests
141 for successful implementation of the system. Such report shall contain, but not be limited to,
142 recommendations for implementation of the following consistent with the provisions of section
143 208.950:

144 (1) A complete statewide universal information and assistance system that is integrated
145 into the web-based electronic patient health record that can be accessible by phone, in-person,
146 via MO HealthNet providers and via the internet that connects consumers to services or
147 providers and is used to establish consumers' needs for services. Through the system, consumers
148 shall be able to independently choose from a full range of home, community-based, and
149 facility-based health and social services as well as access appropriate services to meet individual
150 needs and preferences from the provider of the consumer's choice;

151 (2) A mechanism for developing a plan of service or care via the web-based electronic
152 patient health record to authorize appropriate services;

153 (3) A preadmission screening mechanism for MO HealthNet participants for nursing
154 home care;

155 (4) A case management or care coordination system to be available as needed; and

156 (5) An electronic system or database to coordinate and monitor the services provided
157 which are integrated into the web-based electronic patient health record.

158 7. Starting July 1, 2009, and for three years thereafter, the subcommittee shall provide
159 to the governor, lieutenant governor and the general assembly a yearly report that provides an
160 update on progress made by the subcommittee toward implementing the comprehensive entry
161 point system.

162 8.**]** **5.** The provisions of section 23.253 shall not apply to sections 208.950 to 208.955.

407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a
2 for-profit entity or natural person to collect unwanted household items via a public receptacle
3 and resell the deposited items for profit unless the deposited item receptacle prominently displays
4 a statement in bold letters at least two inches high and two inches wide stating: "DEPOSITED
5 ITEMS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR
6 PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE.".

2. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DONATIONS TO THE FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of the nonprofit beneficiary organization's name).".

3. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and one hundred percent of the proceeds from the sale of the items are given directly to the not-for-profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF OF (name of the nonprofit beneficiary organization's name).".

4. It shall be an unfair business practice in violation of section 407.020 for a not-for-profit entity to collect donations of unwanted household items via a public receptacle and resell the donated items unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS RECEPTACLE IS OWNED AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity) AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity name/charitable cause).".

5. The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean a primary color on a white background so as to be clearly visible to the public.

6. Nothing in this section shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

7. **[**Any entity which, on or before June 1, 2009, has distributed one hundred or more separate public receptacles within the state of Missouri to which the provisions of subsection 2 or 3 of this section would apply shall be deemed in compliance with the signage requirements imposed by this section for the first six months after August 28, 2009, provided such entity has made or is making good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than six months after August 28, 2009.

43 8.**]** All receptacles described in this section shall conspicuously display the name,
44 address, and telephone number of the owner and operator of the receptacle. The owner or
45 operator of the receptacle shall maintain permission to place the receptacle on the property from
46 the property owner or his or her agent where the receptacle is located. Such permission shall be
47 in writing and clearly identify the owner of the receptacle and property owner or his or her agent
48 in addition to the nature of the collections and where proceeds will be accrued. Failure to secure
49 such permission shall constitute an unfair business practice in addition to any other statutory
50 conditions. Unless otherwise agreed upon in writing, the property owner or his or her agent may
51 remove the receptacle. Any charges incurred in such removal shall be the responsibility of the
52 owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar
53 days of the sending of a written certified letter from the property owner stating his or her intent
54 to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the
55 receptacle does not conspicuously display the name, address, and telephone number of the owner
56 and operator of the receptacle, the receptacle shall be considered abandoned property and may
57 be destroyed or permanently possessed by the property owner or their agent.
58 **[**9.**] 8.** Any owner and operator of a receptacle that does not display the address of the
59 owner and operator, but does display the website of the owner and operator, shall make the
60 address easily accessible on such website for the property owner to send the letter specified in
61 subsection 8 of this section. The provisions of this subsection shall expire on September 1, 2014.

443.805. 1. No person shall engage in the business of brokering, funding, servicing or
2 purchasing of residential mortgage loans without first obtaining a license as a residential
3 mortgage loan broker from the director, pursuant to sections 443.701 to 443.893 and the
4 regulations promulgated thereunder. The licensing provisions of sections 443.805 to 443.812
5 shall not apply to any person engaged solely in commercial mortgage lending or to any person
6 exempt as provided in section 443.703 or pursuant to regulations promulgated as provided in
7 sections 443.701 to 443.893.
8 2. No person except a licensee or exempt person shall do any business under any name
9 or title or circulate or use any advertising or make any representation or give any information to
10 any person which indicates or reasonably implies activity within the scope of the provisions of
11 sections 443.701 to 443.893.
12 **[**3. Any exempt entity as defined by section 443.803 on July 7, 2009, shall be exempt
13 from the licensing requirements of this section until June 1, 2010. Any such exempt entities
14 already licensed between July 8, 2009, and June 1, 2010, shall not be eligible for any refund of
15 licensure fees.**]**

542.301. 1. Property which comes into the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to any other provisions of law or returned to the claimant shall be disposed of as follows:

(1) Stolen property, or property acquired in any other manner declared an offense by chapters 569 and 570, but not including any of the property referred to in subdivision (2) of this subsection, shall be delivered by order of court upon claim having been made and established, to the person who is entitled to possession:

(a) The claim shall be made by written motion filed with the court with which a motion to suppress has been, or may be, filed. The claim shall be barred if not made within one year from the date of the seizure;

(b) Upon the filing of such motion, the judge shall order notice to be given to all persons interested in the property, including other claimants and the person from whose possession the property was seized, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons whose address is unknown by publication in a newspaper of general circulation in the county. No property shall be delivered to any claimant unless all interested persons have been given a reasonable opportunity to appear and to be heard;

(c) After a hearing, the judge shall order the property delivered to the person or persons entitled to possession, if any. The judge may direct that delivery of property required as evidence in a criminal proceeding shall be postponed until the need no longer exists;

(d) A law enforcement officer having custody of seized property may, at any time that seized property has ceased to be useful as evidence, request that the prosecuting attorney of the county in which property was seized file a motion with the court of such county for the disposition of the seized property. If the prosecuting attorney does not file such motion within sixty days of the request by the law enforcement officer having custody of the seized property, then such officer may request that the attorney general file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. Such disposition may, if the property is not claimed within one year from the date of the seizure or if no one establishes a right to it, and the seized property has ceased to be useful as evidence, include a public sale of the property. Pursuant to a motion properly filed and granted under this section, the proceeds of any sale, less necessary expenses of preservation and sale, shall be paid into the county treasury for the use of the county. If the property is not salable, the judge may order its destruction. Notwithstanding any other provision of law, if no claim is filed within one year of the seizure and no motion pursuant to this section is filed within six months thereafter, and the

37 seized property has ceased to be useful as evidence, the property shall be deemed abandoned,
38 converted to cash and shall be turned over immediately to the treasurer pursuant to section
39 447.543;
40 (e) If the property is a living animal or is perishable, the judge may, at any time, order
41 it sold at public sale. The proceeds shall be held in lieu of the property. A written description
42 of the property sold shall be filed with the judge making the order of sale so that the claimant
43 may identify the property. If the proceeds are not claimed within the time limited for the claim
44 of the property, the proceeds shall be paid into the county treasury. If the property is not salable,
45 the judge may order its destruction.
46 (2) Weapons, tools, devices, computers, computer equipment, computer software,
47 computer hardware, cellular telephones, or other devices capable of accessing the internet, and
48 substances other than motor vehicles, aircraft or watercraft, used by the owner or with the
49 owner's consent as a means for committing felonies other than the offense of possessing burglary
50 tools in violation of section 569.180, and property, the possession of which is an offense under
51 the laws of this state or which has been used by the owner, or used with the owner's acquiescence
52 or consent, as a raw material or as an instrument to manufacture, produce, or distribute, or be
53 used as a means of storage of anything the possession of which is an offense under the laws of
54 this state, or which any statute authorizes or directs to be seized, other than lawfully possessed
55 weapons seized by an officer incident to an arrest, shall be forfeited to the state of Missouri.
56 2. The officer who has custody of the property shall inform the prosecuting attorney of
57 the fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon
58 file a written motion with the court with which the motion to suppress has been, or may be, filed
59 praying for an order directing the forfeiture of the property. If the prosecuting attorney of a
60 county in which property is seized fails to file a motion with the court for the disposition of the
61 seized property within sixty days of the request by a law enforcement officer, the officer having
62 custody of the seized property may request the attorney general to file a written motion with the
63 circuit court of the county or judicial district in which the seizure occurred. Upon filing of the
64 motion, the court shall issue an order directing the disposition of the property. The signed
65 motion shall be returned to the requesting agency. A motion may also be filed by any person
66 claiming the right to possession of the property praying that the court declare the property not
67 subject to forfeiture and order it delivered to the moving party.
68 3. Upon the filing of a motion either by the prosecuting attorney or by a claimant, the
69 judge shall order notice to be given to all persons interested in the property, including the person
70 out of whose possession the property was seized and any lienors, of the time, place and nature
71 of the hearing to be held on the motion. The notice shall be given in a manner reasonably
72 calculated to reach the attention of all interested persons. Notice may be given to unknown

73 persons and to persons of unknown address by publication in a newspaper of general circulation
74 in the county. Every interested person shall be given a reasonable opportunity to appear and to
75 be heard as to the nature of the person's claim to the property and upon the issue of whether or
76 not it is subject to forfeiture.
77 4. If the evidence is clear and convincing that the property in issue is in fact of a kind
78 subject to forfeiture under this subsection, the judge shall declare it forfeited and order its
79 destruction or sale. The judge shall direct that the destruction or sale of property needed as
80 evidence in a criminal proceeding shall be postponed until this need no longer exists.
81 5. If the forfeited property can be put to a lawful use, it may be ordered sold after any
82 alterations which are necessary to adapt it to a lawful use have been made. In the case of
83 computers, computer equipment, computer software, computer hardware, cellular telephones,
84 or other devices capable of accessing the internet, or other devices used in the acquisition,
85 possession, or distribution of child pornography or obscene material, the law enforcement agency
86 in possession of such items may, upon court order, retain possession of such property and
87 convert such property to the use of the law enforcement agency for use in criminal investigations.
88 If there is a holder of a bona fide lien against property which has been used as a means for
89 committing an offense or which has been used as a raw material or as an instrument to
90 manufacture or produce anything which is an offense to possess, who establishes that the use was
91 without the lienholder's acquiescence or consent, the proceeds, less necessary expenses of
92 preservation and sale, shall be paid to the lienholder to the amount of the lienholder's lien. The
93 remaining amount shall be paid into the county treasury.
94 6. If the property is perishable the judge may order it sold at a public sale or destroyed,
95 as may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of
96 preservation and sale, shall be held in lieu of the property.
97 7. When a warrant has been issued to search for and seize allegedly obscene matter for
98 forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the
99 matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the
100 matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary
101 proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and
102 convincing that the matter is obscene as defined by law and it was being held or displayed for
103 sale, exhibition, distribution or circulation to the public, the judge shall declare it to be obscene
104 and forfeited to the state and order its destruction or other disposition; except that, no forfeiture
105 shall be declared without the dealer, distributor or displayer being given a reasonable opportunity
106 to appear in opposition and without the judge having thoroughly examined each item. If the
107 material to be seized is the same as or another copy of matter that has already been determined
108 to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or such person's

109 agent, the determination of obscenity in the criminal proceeding shall constitute clear and
110 convincing evidence that the matter to be forfeited pursuant to this subsection is obscene. Except
111 when the dealer, exhibitor or displayer consents to a longer period, or by such person's actions
112 or pleadings willfully prevents the prompt resolution of the hearing, judgment shall be rendered
113 within ten days of the return of the warrant. If the matter is not found to be obscene or is not
114 found to have been held or displayed for sale, exhibition or distribution to the public, or a
115 judgment is not entered within the time provided for, the matter shall be restored forthwith to the
116 dealer, exhibitor or displayer.
117 8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment,
118 the case should be assigned for hearing at the earliest practicable date and expedited in every
119 way. Destruction or disposition of a matter declared forfeited shall be postponed until the
120 judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and
121 until the matter is no longer needed as evidence in a criminal proceeding.
122 9. A determination of obscenity, pursuant to this subsection, shall not be admissible in
123 any criminal proceeding against any person or corporation for sale or possession of obscene
124 matter; except that dealer, distributor or displayer from which the obscene matter was seized for
125 forfeiture to the state.
126 10. When allegedly obscene matter or pornographic material for minors has been seized
127 under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no
128 longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in
129 which the matter was seized may file a written motion with the circuit court of the county or
130 judicial district in which the seizure occurred praying for an order directing the forfeiture of the
131 matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of date,
132 time, place and nature of the hearing shall be personally served upon the owner, dealer, exhibitor,
133 displayer or such person's agent. Such notice shall be served no less than five days before the
134 hearing.
135 11. If the evidence is clear and convincing that the matter is obscene as defined by law,
136 and that the obscene material was being held or displayed for sale, exhibition, distribution or
137 circulation to the public or that the matter is pornographic for minors and that the pornographic
138 material was being held or displayed for sale, exhibition, distribution or circulation to minors,
139 the judge shall declare it to be obscene or pornographic for minors and forfeited to the state and
140 order its destruction or other disposition. A determination that the matter is obscene in a
141 criminal proceeding as well as a determination that such obscene material was held or displayed
142 for sale, exhibition, distribution or circulation to the public or a determination that the matter is
143 pornographic for minors in a criminal proceeding as well as a determination that such
144 pornographic material was held or displayed for sale, exhibition, distribution or circulation to

145 minors shall be clear and convincing evidence that such material should be forfeited to the state;
146 except that, no forfeiture shall be declared without the dealer, distributor or displayer being given
147 a reasonable opportunity to appear in opposition and without a judge having thoroughly
148 examined each item. A dealer, distributor or displayer shall have had reasonable opportunity to
149 appear in opposition if the matter the prosecutor seeks to destroy is the same matter that formed
150 the basis of a criminal proceeding against the dealer, distributor or displayer where the dealer,
151 distributor or displayer has been charged and found guilty of holding or displaying for sale,
152 exhibiting, distributing or circulating obscene material to the public or pornographic material for
153 minors to minors. If the matter is not found to be obscene, or if obscene material is not found
154 to have been held or displayed for sale, exhibition, distribution or circulation to the public, or if
155 the matter is not found to be pornographic for minors or if pornographic material is not found
156 to have been held or displayed for sale, exhibition, distribution or circulation to minors, the
157 matter shall be restored forthwith to the dealer, exhibitor or displayer.
158 12. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment,
159 the case shall be assigned for hearing at the earliest practicable date and expedited in every way.
160 Destruction or disposition of matter declared forfeited shall be postponed until the judgment has
161 become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter
162 is no longer needed as evidence in a criminal proceeding.
163 13. A determination of obscenity shall not be admissible in any criminal proceeding
164 against any person or corporation for sale or possession of obscene matter.
165 14. An appeal by any party shall be allowed from the judgment of the court as in other
166 civil actions.
167 15. All other property still in the custody of an officer or of a court as the result of any
168 seizure and which has not been forfeited pursuant to this section or any other provision of law
169 after three years following the seizure and which has ceased to be useful as evidence shall be
170 deemed abandoned, converted to cash and shall be turned over immediately to the treasurer
171 pursuant to section 447.543.
172 **[**16. In fiscal year 2003, the commissioner of administration shall estimate the amount
173 of any additional state revenue received pursuant to this section and section 447.532, shall
174 transfer an equivalent amount of general revenue to the schools of the future fund created in
175 section 163.005.**]**

[8.305. 1. Any appliance purchased with state moneys or a portion of
2 state moneys shall be an appliance that has earned the Energy Star under the
3 Energy Star program co-sponsored by the United States Department of Energy
4 and the United States Environmental Protection Agency. For purposes of this
5 section, the term appliance shall have the same meaning as in section 144.526.
6

2. The commissioner of the office of administration may exempt any appliance from the requirements of subsection 1 of this section when the cost of compliance is expected to exceed the projected energy cost savings gained.

3. The provisions of this section shall expire on August 28, 2011.**]**

[21.485. During the legislative interim between the first regular session of the ninety-fifth general assembly through December 31, 2009, the joint committee on education shall study the issue of governance in urban school districts containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivision of the state, teachers, administrators, school board members, all interested parties concerned about governance within the school districts identified in this section, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2009.**]**

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

2. The joint committee shall:

(1) Make a continuing study and analysis of all state government terrorism, bioterrorism, and homeland security efforts, including the feasibility of compiling information relevant to immigration enforcement issues;

(2) Devise a standard reporting system to obtain data on each state government agency that will provide information on each agency's terrorism and bioterrorism preparedness, and homeland security status at least biennially;

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

(4) Make any other recommendation to the general assembly necessary to provide adequate terrorism and bioterrorism protections, and homeland security to the citizens of the state of Missouri.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

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

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

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

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

8. The provisions of this section shall expire on December 31, 2011.**]**

[21.801. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Urban Agriculture".

2. The joint committee shall be composed of ten members. Five members shall be from the senate, with three members appointed by the president pro tem of the senate and two members appointed by the minority leader of the senate. Five members shall be from the house of representatives, with three members appointed by the speaker of the house of representatives and two members appointed by the minority leader of the house of representatives. All members of the Missouri general assembly not appointed in this subsection may be nonvoting, ex officio members of the joint committee. A majority of the appointed members of the joint committee shall constitute a quorum.

3. The joint committee shall meet within thirty days after it becomes effective and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The joint committee may meet at locations other than Jefferson City when the committee deems it necessary.

4. The committee shall prepare a final report together with its recommendations for any legislative action deemed necessary for submission to the speaker of the house of representatives, president pro tem of the senate, and the governor by December 31, 2012. The report shall study and make recommendations regarding the impact of urban farm cooperatives, vertical farming, and sustainable living communities in this state and shall examine the following:

(1) Trends in urban farming, including vertical farming, urban farm cooperatives, and sustainable living communities;

(2) Existing services, resources, and capacity for such urban farming;

(3) The impact on communities and populations affected; and

(4) Any needed state legislation, policies, or regulations.

5. The committee shall hold a minimum of one meeting at three urban regions in the state of Missouri to seek public input. The committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the committee considers advisable to carry out the provisions of this section.

6. The joint committee may solicit input and information necessary to fulfill its obligations from the general public, any state department, state agency, political subdivision of this state, or anyone else it deems advisable.

7. (1) The joint committee shall establish a subcommittee to be known as the "Urban Farming Advisory Subcommittee" to study, analyze, and provide background information, recommendations, and findings in preparation of each of the public hearings called by the joint committee. The subcommittee may also review draft recommendations of the joint committee, if requested. The subcommittee will meet as often as necessary to fulfill the requirements and time frames set by the joint committee.

(2) The subcommittee shall consist of twelve members, as follows:

(a) Four members shall include the directors of the following departments, or their designees:

a. Agriculture, who shall serve as chair of the subcommittee;

b. Economic development;

c. Health and senior services; and

d. Natural resources; and

(b) The chair shall select eight additional members, subject to approval by a majority of the joint committee, who shall have experience in or represent organizations associated with at least one of the following areas:

a. Sustainable energy;

b. Farm policy;

c. Urban botanical gardening;

d. Sustainable agriculture;

e. Urban farming or community gardening;

f. Vertical farming;

g. Agriculture policy or advocacy; and

h. Urban development.

8. Members of the committee and subcommittee shall serve without compensation but may be reimbursed for necessary expenses pertaining to the duties of the committee.

9. The staffs of senate research, the joint committee on legislative research, and house research may provide such legal, research, clerical, technical, and bill drafting services as the joint committee may require in the performance of its duties.

10. Any actual and necessary expenses of the joint committee, its members, and any staff assigned to the joint committee incurred by the joint committee shall be paid by the joint contingent fund.

11. The provisions of this section shall expire on January 1, 2013.**]**

[21.830. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Missouri's Energy Future", which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house of representatives. The committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairpersons designate.

2. The committee shall examine Missouri's present and future energy needs to determine the best strategy to ensure a plentiful, affordable and clean supply of electricity that will meet the needs of the people and businesses of Missouri for the next twenty-five years and ensure that Missourians continue to benefit from low rates for residential, commercial, and industrial energy consumers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of economic development, department of natural resources, and the public service commission.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2009, at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.**]**

[21.910. 1. There is hereby created the "Joint Committee on the Reduction and Reorganization of Programs within State Government". The committee shall be composed of thirteen members as follows:

(1) Three majority party members and two minority party members of the senate, to be appointed by the president pro tem of the senate;

(2) Three majority party members and two minority party members of the house of representatives, to be appointed by the speaker of the house of representatives;

(3) The commissioner of the office of administration, or his or her designee;

(4) A representative of the governor's office; and

(5) A supreme court judge, or his or her designee, as selected by the Missouri supreme court.

2. The committee shall study programs within every department that should be eliminated, reduced, or combined with another program or programs. As used in this section, the term "program" shall have the same meaning as in section 23.253.

3. In order to assist the committee with its responsibilities under this section, each department shall comply with any request for information made by the committee with regard to any programs administered by such department.

4. The members of the committee shall elect a chairperson and vice chairperson.

5. The committee shall submit a report to the general assembly by December 31, 2010, and such report shall contain any recommendations of the committee for eliminating, reducing, or combining any program with another program or programs in the same or a different department.

6. The provisions of this section shall expire on January 1, 2011.**]**

[82.291. 1. For purposes of this section, "derelict vehicle" means any motor vehicle or trailer that was originally designed or manufactured to transport persons or property on a public highway, road, or street and that is junked, scrapped, dismantled, disassembled, or in a condition otherwise harmful to the public health, welfare, peace, and safety.

2. The owner of any property located in any home rule city with more than twenty-six thousand two hundred but less than twenty-six thousand three hundred inhabitants, except any property subclassed as agricultural and horticultural property pursuant to Section 4(b), Article X, of the Constitution of Missouri or any property containing any licensed vehicle service or repair facility, who permits derelict vehicles or substantial parts of derelict vehicles to remain

on the property other than inside a fully enclosed permanent structure designed and constructed for vehicle storage shall be liable for the removal of the vehicles or the parts if they are declared to be a public nuisance.

3. To declare derelict vehicles or parts of derelict vehicles to be a public nuisance, the governing body of the city shall give a hearing upon ten days' notice, either personally or by United States mail to the owner or agent, or by posting a notice of the hearing on the property. At the hearing, the governing body may declare the vehicles or the parts to be public nuisances, and may order the nuisance to be removed within five business days. If the nuisance is not removed within the five days, the governing body or the designated city official shall have the nuisance removed and shall certify the costs of the removal to the city clerk or the equivalent official, who shall cause a special tax bill for the removal to be prepared against the property and collected by the collector with other taxes assessed on the property, and to be assessed any interest and penalties for delinquency as other delinquent tax bills are assessed as permitted by law.

4. The provisions of this section shall terminate on August 28, 2010.**]**

[160.932. 1. Subject to appropriations, the department of elementary and secondary education shall implement a pilot program allowing the regional interagency coordinating council of the greater St. Louis system point of entry to hire a part-time child-find coordinator to conduct the child-find requirements under subsection 3 of section 160.910 for the region. The part-time child-find coordinator shall be hired, selected, and employed by the regional interagency coordinating council of the greater St. Louis system point of entry by July 1, 2008.

2. By September 1, 2010, the greater St. Louis system point of entry shall conduct a study on the effect of hiring the child-find coordinator under this section. The study shall be submitted to the department, the state interagency coordinating council and the general assembly.

3. The provisions of this section shall expire on September 1, 2011.**]**

[160.933. 1. There is hereby created in the state treasury the "Part C Early Intervention Pilot Program Fund" for implementing the provisions of section 160.932. Moneys deposited in the fund shall be considered state funds under article IV, section 15 of the Missouri Constitution. The state treasurer shall be custodian of the fund and may disburse moneys from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for administration of section 160.932. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. At the end of each biennium and after all statutorily or constitutionally required transfer of funds have been made, the state treasurer shall transfer the balance in the fund, except for gifts, donations, bequests, or money received from

a federal source, created in subsection 1 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.

3. The department of elementary and secondary education shall promulgate rules to implement the provisions of section 160.932. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.**]**

[167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

(1) Insurance;

(2) The state Medicaid program;

(3) Complimentary; or

(4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school

nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

(1) Complete case history;

(2) Visual acuity at distance (aided and unaided);

(3) External examination and internal examination (ophthalmoscopic examination);

(4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

7. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.**]**

[168.083. 1. Any qualified applicant may be granted a temporary administrator certificate upon joint application with a Missouri public school district or accredited nonpublic school which establishes a mentoring program pursuant to subsection 2 of this section. The temporary administrator certificate is limited to the employing Missouri public school district or accredited nonpublic school. An applicant for a temporary administrator certificate may apply for only one area of certification at a time.

2. The employing Missouri public school district or accredited nonpublic school shall develop a mentoring program to provide adequate support to the holder of the temporary administrator certificate to ensure proper transition into the administrative environment.

3. The temporary administrator certificate of license to teach is valid for up to one school year. It may be renewed annually for up to four subsequent years by joint application from the certificate holder and employing Missouri public school district or accredited nonpublic school upon demonstration that the applicant is making continuous, measurable progress toward obtaining a full administrator certificate of license to teach. The state board of education shall establish specific standards as to what constitutes making measurable progress toward obtaining a full administrator certificate; provided that a full administrator certificate at that grade level shall be required after the fifth year of a temporary administrator certificate in order to retain administrator certification.

4. Applications for a Missouri temporary administrator certificate shall be submitted on forms provided and approved by the state board of education.

5. The state board of education shall promulgate rules and regulations for the issuance and renewal of temporary administrator certificates. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

6. As used in this section, the term "qualified applicant" shall mean a person who:

(1) Holds a valid certificate of license to teach in Missouri;

(2) Has a master's degree or is currently enrolled in a master's degree program; and

(3) Has at least five years of teaching experience in a public school, in an accredited nonpublic school, or in a combination of such schools at the grade level for which the temporary administrator certificate is sought.

7. The provisions of this section shall expire August 28, 2012.**]**

[191.115. 1. There is hereby established in the department of health and senior services an "Alzheimer's State Plan Task Force". The task force shall consist of nineteen members, as follows:

(1) The lieutenant governor or his or her designee, who shall serve as chair of the task force;

(2) The directors of the departments of health and senior services, social services, and mental health or their designees;

(3) One member of the house of representatives appointed by the speaker of the house;

(4) One member of the senate appointed by the president pro tem of the senate;

(5) One member who has early-stage Alzheimer's or a related dementia;

(6) One member who is a family caregiver of a person with Alzheimer's or a related dementia;

(7) One member who is a licensed physician with experience in the diagnosis, treatment, and research of Alzheimer's disease;

17 (8) One member from the office of the state ombudsman for long-term
18 care facility residents;
19 (9) One member representing the home care profession;
20 (10) One member representing residential long-term care;
21 (11) One member representing the adult day services profession;
22 (12) One member representing the insurance profession;
23 (13) One member representing the area agencies on aging;
24 (14) One member with expertise in minority health;
25 (15) One member who is a licensed elder law attorney;
26 (16) Two members from the leading voluntary health organization in
27 Alzheimer's care, support, and research.
28 2. The members of the task force, other than the lieutenant governor,
29 members from the general assembly, and department directors, shall be appointed
30 by the governor with the advice and consent of the senate. Members shall serve
31 on the task force without compensation.
32 3. The task force shall:
33 (1) Assess the current and future impact of Alzheimer's disease and
34 related dementia on residents of the state of Missouri;
35 (2) Examine the existing services and resources addressing the needs of
36 persons with dementia, their families, and caregivers; and
37 (3) Develop recommendations to respond to the escalating public health
38 situation regarding Alzheimer's.
39 4. The task force shall include an examination of the following in its
40 assessment and recommendations required to be completed under subsection 3
41 of this section:
42 (1) Trends in state Alzheimer's and related dementia populations and
43 their needs, including but not limited to the state's role in long-term care, family
44 caregiver support, and assistance to persons with early-stage Alzheimer's, early
45 onset of Alzheimer's, and individuals with Alzheimer's disease as a result of
46 Down's Syndrome;
47 (2) Existing services, resources, and capacity, including but not limited
48 to:
49 (a) Type, cost, and availability of services for persons with dementia,
50 including home- and community-based resources, respite care to assist families,
51 residential long-term care options, and adequacy and appropriateness of
52 geriatric-psychiatric units for persons with behavior disorders associated with
53 Alzheimer's and related dementia;
54 (b) Dementia-specific training requirements for individuals employed to
55 provide care for persons with dementia;
56 (c) Quality care measure for services delivered across the continuum of
57 care;
58 (d) Capacity of public safety and law enforcement to respond to persons
59 with Alzheimer's and related dementia;

(e) State support for Alzheimer's research through institutes of higher learning in Missouri;

(3) Needed state policies or responses, including but not limited to directions for the provision of clear and coordinated services and supports to persons and families living with Alzheimer's and related dementias and strategies to address any identified gaps in services.

5. The task force shall hold a minimum of one meeting at four diverse geographic regions in the state of Missouri during the calendar year to seek public input.

6. The task force shall submit a report of its findings and date-specific recommendations to the general assembly and the governor in the form of a state Alzheimer's plan no later than November 15, 2010, as part of Alzheimer's disease awareness month.

7. The task force shall continue to meet at the request of the chair and at a minimum of one time annually for the purpose of evaluating the implementation and impact of the task force recommendations and provide annual supplemental reports on the findings to the governor and the general assembly.

8. The provisions of this section shall expire on November 1, 2012.**]**

[192.105. The department of health and senior services shall examine the feasibility of implementing a real-time water quality testing system for measuring the bacterial water quality at state-owned public beaches and shall issue a report of its findings to the general assembly by December 31, 2011.**]**

[197.291. 1. There is hereby established a "Technical Advisory Committee on the Quality of Patient Care and Nursing Practices" within the department of health and senior services. The committee shall be comprised of nine members appointed by the director of the department of health and senior services, one of whom shall be a representative of the department of health and senior services and one of whom shall be a representative of the general public. In addition, the director shall appoint three members representing licensed registered nurses from a list of recommended appointees provided by the Missouri Nurses Association, one member representing licensed practical nurses from a list of recommended appointees provided by the Missouri Licensed Practical Nurses Association, two members from a list of recommended appointees provided by the Missouri Hospital Association, and one member representing licensed physicians from a list of recommended appointees provided by the Missouri State Medical Association.

2. The committee shall work with hospitals, nurses, physicians, state agencies, community groups and academic researchers to develop specific recommendations related to staffing, improving the quality of patient care, and insuring the safe and appropriate employment of licensed nurses within hospitals

19 and ambulatory surgical centers. The committee shall develop recommendations
20 and submit an annual report based on such recommendations to the governor,
21 chairpersons of standing health and appropriations committees of the general
22 assembly and the department of health and senior services no later than
23 December thirty-first of each year.
24 3. The department of health and senior services shall provide such
25 support as the committee members require to aid it in the performance of its
26 duties.
27 4. Committee members shall not be compensated for their services but
28 shall be reimbursed for their actual and necessary expenses incurred in the
29 performance of their duties.
30 5. The provisions of this section shall expire on December 31, 2011.**]**
31

[262.950. 1. As used in this section, the following terms shall mean:
2 (1) "Locally grown agricultural products", food or fiber produced or
3 processed by a small agribusiness or small farm;
4 (2) "Small agribusiness", an independent agribusiness located in Missouri
5 with gross annual sales of less than five million dollars;
6 (3) "Small farm", an independent family-owned farm in Missouri with
7 at least one family member working in the day-to-day operation of the farm.
8 2. There is hereby created an advisory board, which shall be known as the
9 "Farm-to-Table Advisory Board". The board shall be made up of at least one
10 representative from the following agencies: the University of Missouri extension
11 service, the department of agriculture, the department of elementary and
12 secondary education, the department of economic development, the department
13 of corrections, and the office of administration. In addition, the director of the
14 department of agriculture shall appoint one person actively engaged in the
15 practice of small agribusiness. The representative for the department of
16 agriculture shall serve as the chairperson for the board and shall coordinate the
17 board meetings. The board shall hold at least two meetings, but may hold more
18 as it deems necessary to fulfill its requirements under this section. Staff of the
19 department of agriculture may provide administrative assistance to the board if
20 such assistance is required.
21 3. The mission of the board is to provide recommendations for strategies
22 that:
23 (1) Allow schools and state institutions to more easily incorporate locally
24 grown agricultural products into their cafeteria offerings, salad bars, and vending
25 machines; and
26 (2) Increase public awareness of local agricultural practices and the role
27 that local agriculture plays in sustaining healthy communities and supporting
28 healthy lifestyles.
29 4. In fulfilling its mission under this section, the board shall:

(1) Investigate the status and availability of local, state, federal, and any other public or private resources that may be used to:

(a) Link schools and state institutions with local and regional farms for the purchase of locally grown agricultural products;

(b) Increase market opportunities for locally grown agricultural products;

(c) Assist schools and other entities with education campaigns that teach children and the general public about the concepts of food production and consumption; the interrelationships between nutrition, food choices, obesity, and health; and the value of having an accessible supply of locally grown food;

(2) Identify any type of barrier, which may include legal, logistical, technical, social, or financial, that prevents or hinders:

(a) Schools and state institutions from purchasing more locally grown agricultural products;

(b) The expansion of market opportunities for locally grown agricultural products;

(c) Schools and other entities from engaging in education campaigns to teach people about the concepts of food production and consumption; the interrelationships between nutrition, food choices, obesity, and health; and the value of having an accessible supply of locally grown food; and

(3) Develop recommendations for:

(a) The maximization of existing public and private resources to accomplish the objectives in subsection 3 of this section;

(b) The development of new or expanded resources deemed necessary to accomplish the objectives in subsection 3 of this section, which may include resources such as training programs, grant programs, or database development; and

(c) The elimination of barriers that hinder the objectives in subsection 3 of this section, which may include changes to school or state institution procurement policies or procedures.

5. The board shall prepare a report containing its findings and recommendations and shall deliver such report to the governor, the general assembly, and to the director of each agency represented on the board by no later than August 31, 2012.

6. In conducting its work, the board may hold public meetings at which it may invite testimony from experts or it may solicit information from any party it deems may have information relevant to its duties under this section.

7. This section shall expire on August 31, 2012.**]**

[301.129. There is established in this section an advisory committee for the department of revenue, which shall exist solely to develop uniform designs and common colors for motor vehicle license plates issued under this chapter and to determine appropriate license plate parameters for all license plates issued under this chapter. The advisory committee may adopt more than one type of

design and color scheme for license plates issued under this chapter; however, each license plate of a distinct type shall be uniform in design and color scheme with all other license plates of that distinct type. The specifications for the fully reflective material used for the plates, as required by section 301.130, shall be determined by the committee. Such plates shall meet any specific requirements prescribed in this chapter. The advisory committee shall consist of the director of revenue, the superintendent of the highway patrol, the correctional enterprises administrator, and the respective chairpersons of both the senate and house of representatives transportation committees. Notwithstanding section 226.200 to the contrary, the general assembly may appropriate state highways and transportation department funds for the requirements of section 301.130 and this section. Prior to January 1, 2007, the committee shall meet, select a chairman from among their members, and develop uniform design and license plate parameters for the motor vehicle license plates issued under this chapter. Prior to determining the final design of the plates, the committee shall hold at least three public meetings in different areas of the state to invite public input on the final design. Members of the committee shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties under this section out of funds appropriated for that purpose. The committee shall direct the director of revenue to implement its final design of the uniform motor vehicle license plates and any specific parameters for all license plates developed by the committee not later than January 1, 2007. The committee shall be dissolved upon completion of its duties under this section.**]**

[311.489. 1. After obtaining the approvals as described in this section, a permit for the sale of intoxicating liquor as defined in section 311.020, and nonintoxicating beer as defined in section 312.010, for consumption on premises where sold, and to conduct specified festival events, shall be issued by the division of alcohol and tobacco control to any festival district, located in a community improvement district in any home rule city with more than four hundred thousand inhabitants and located in more than one county, that includes three or more businesses that are licensed bars, nightclubs, restaurants, or other entertainment venues and a common area that is closed to vehicle traffic, provided that the permit is held by a promotional association. A "promotional association" is defined as an entity formed by property owners who own or operate fifty percent or more of the square feet of bars, nightclubs, restaurants, and other entertainment venues located within the proposed festival district.

2. The promotional association shall obtain a permit from the division if the promotional association submits a plan to the governing body of the city and such a plan receives approval from the city governing body. The plan submitted shall include the legal description of the district and the common area within which such festivals shall be held, the name and address and responsible person for each business participating in the promotional association, the specific

calendar of events for the district which shall not exceed twenty-four such events annually and shall include the dates and times of any such events, a description of the proposed festival activities, including any proposed public street closures if applicable, proof of adequate insurance, and a detailed description of security for any proposed festivals which shall be provided at the sole expense of the promotional association. Such detailed description of security shall be approved by the city police department and the city department of liquor control prior to the plan being approved by the city. Each event on the calendar shall not exceed forty-eight hours in length. No more than two events shall be held in any calendar month. Such permit shall cost three hundred dollars per year.

3. Prior to approving the plan, the city shall notify all property owners in the proposed district and within five hundred feet of such district's boundaries. The city shall hold a public hearing at least thirty days after providing such notice to obtain public views and comments on the issue. The city shall not approve any plan unless the promotional association has obtained written approval from at least fifty percent of the property owners within the district and within one hundred eighty-five feet of its borders. If the written approvals required under this section are obtained and the city approves the plan, the promotional association may conduct the events described in the plan and may sell liquor for consumption within the district common areas. Such liquor sales may only occur between 9:00 a.m. and 1:00 a.m. In addition, for no more than ten twenty-four hour periods in a year, such promotional association may permit customers to leave an establishment within the district after purchasing an alcoholic beverage and consume the beverage in the district common areas or another licensed establishment within the district. All containers allowed to be removed from an establishment shall be marked with the name or logo of the establishment where it was purchased. No person shall be allowed to take any alcoholic beverage outside the boundaries of the festival district.

4. If participating in a promotional association event, every bar, nightclub, restaurant, promotional association, or other entertainment venue that serves alcoholic beverages within the festival district shall use disposable paper, plastic, or foam cups or other light-weight containers for all alcoholic beverages that the bar, nightclub, restaurant, promotional association, or other entertainment venue sells within the festival district boundaries for consumption in the district common area.

5. Minors shall not be allowed to enter the festival district during a festival event that serves liquor.

6. The holder of the permit is solely responsible for any alcohol violations occurring within the common areas. For any violation of this chapter or of any rule or regulation of the supervisor of alcohol and tobacco control, the promotional association may be assessed a civil fine of not more than five thousand dollars. If a promotional association is found to be responsible for such violations at three separate events, then such promotional association shall not

seek approval for subsequent plans without the prior written consent of the supervisor of alcohol and tobacco control. The promotional association's then-current plan shall be deemed terminated, and the businesses participating in the promotional association's events shall not participate in activities permitted by subsection 3 of this section without prior written consent from the supervisor of alcohol and tobacco control.

7. The provisions of this section shall expire two years after August 28, 2009.**]**

[374.776. During the legislative interim between the first regular session and the second regular session of the ninety-fifth general assembly, the Missouri department of insurance, financial institutions and professional registration shall conduct a study regarding its licensing rules and other policies and procedures governing the bail bond industry within the state of Missouri. The department, in its discretion, may hold public hearings within the state and permit testimony and input from surety insurance companies, general bail bond agents, bail bond agents, legislators, law enforcement agencies, officials from the department, and other interested parties. If public hearings are held, the director shall provide notice to all licensees licensed under sections 374.695 to 374.789 of the date, time, and location of such public hearings. The department shall submit a report of its findings and recommendations to the house of representatives and senate insurance committees no later than January 6, 2010.**]**

[376.825. Sections 376.825 to 376.840 shall be known and may be cited as the "Mental Health and Chemical Dependency Insurance Act".**]**

[376.826. For the purposes of sections 376.825 to 376.836 the following terms shall mean:

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

(2) "Health insurance policy" or "policy", all health insurance policies or contracts that are individually underwritten or provide such coverage for specific individuals and members of their families, which provide for hospital treatments. The term shall also include any individually underwritten coverage issued by a health maintenance organization. The provisions of sections 376.825 to 376.836 shall not apply to policies which provide coverage for a specified disease only, other than for mental illness or chemical dependency;

(3) "Insurer", an entity licensed by the department of insurance, financial institutions and professional registration to offer a health insurance policy;

(4) "Mental illness", the following disorders contained in the International Classification of Diseases (ICD-9-CM):

(a) Schizophrenic disorders and paranoid states (295 and 297, except 297.3);

(b) Major depression, bipolar disorder, and other affective psychoses (296);

(c) Obsessive compulsive disorder, post-traumatic stress disorder and other major anxiety disorders (300.0, 300.21, 300.22, 300.23, 300.3 and 309.81);

(d) Early childhood psychoses, and other disorders first diagnosed in childhood or adolescence (299.8, 312.8, 313.81 and 314);

(e) Alcohol and drug abuse (291, 292, 303, 304, and 305, except 305.1); and

(f) Anorexia nervosa, bulimia and other severe eating disorders (307.1, 307.51, 307.52 and 307.53);

(g) Senile organic psychotic conditions (290);

(5) "Rate", "term", or "condition", any lifetime limits, annual payment limits, episodic limits, inpatient or outpatient service limits, and out-of-pocket limits. This definition does not include deductibles, co-payments, or coinsurance prior to reaching any maximum out-of-pocket limit. Any out-of-pocket limit under a policy shall be comprehensive for coverage of mental illness and physical conditions.**]**

[376.827. 1. Nothing in this bill shall be construed as requiring the coverage of mental illness.

2. Except for the coverage required pursuant to subsection 1 of section 376.779, and the offer of coverage required pursuant to sections 376.810 through 376.814, if any of the mental illness disorders enumerated in subdivision (4) of section 376.826 are provided by the health insurance policy, the coverage provided shall include all the disorders enumerated in subdivision (4) of section 376.826 and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to evaluation and treatment for mental illness than for access to evaluation and treatment for physical conditions, generally, except that alcohol and other drug abuse services shall have a minimum of thirty days total inpatient treatment and a minimum of twenty total visits for outpatient treatment for each year of coverage. A lifetime limit equal to four times such annual limits may be imposed. The days allowed for inpatient treatment can be converted for use for outpatient treatment on a two-for-one basis.

3. Deductibles, co-payment or coinsurance amounts for access to evaluation and treatment for mental illness shall not be unreasonable in relation to the cost of services provided.

4. A health insurance policy that is a federally qualified plan of benefits shall be construed to be in compliance with sections 376.825 to 376.836 if the policy is issued by a federally qualified health maintenance organization and the federally qualified health maintenance organization offered mental health coverage as required by sections 376.825 to 376.836. If such coverage is rejected, the federally qualified health maintenance organization shall, at a

minimum, provide coverage for mental health services as a basic health service as required by the Federal Public Health Service Act, 42 U.S.C. Section 300e., et seq.

5. Health insurance policies that provide mental illness benefits pursuant to sections 376.825 to 376.840 shall be deemed to be in compliance with the requirements of subsection 1 of section 376.779.

6. The director may disapprove any policy that the director determines to be inconsistent with the purposes of this section.**]**

[376.830. 1. The coverages set forth in sections 376.825 to 376.840 may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more licensed providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri. Nothing in this section shall authorize any unlicensed provider to provide covered services.

2. An insurer may use a case management program for mental illness benefits to evaluate and determine medically necessary and clinically appropriate care and treatment for each patient.

3. Nothing in sections 376.825 to 376.840 shall be construed to require a managed care plan as defined by section 354.600, when providing coverage for benefits governed by sections 376.825 to 376.840, to cover services rendered by a provider other than a participating provider, except for the coverage pursuant to subsection 4 of section 376.811. An insurer may contract for benefits provided in sections 376.825 to 376.840 with a managing entity or group of providers for the management and delivery of services for benefits governed by sections 376.825 to 376.840.**]**

[376.833. 1. The provisions of section 376.827 shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

(1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;

(2) Services rendered or billed by a school or halfway house;

(3) Care that is custodial in nature;

(4) Services and supplies that are not medically necessary nor clinically appropriate; or

(5) Treatments that are considered experimental.

2. The director shall grant a policyholder a waiver from the provisions of section 376.827 if the policyholder demonstrates to the director by actual

experience over any consecutive twenty-four-month period that compliance with sections 376.825 to 376.840 has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder.**]**

[376.836. 1. The provisions of sections 376.825 to 376.836 apply to applications for coverage made on or after January 1, 2005, and to health insurance policies issued or renewed on or after such date to residents of this state. Multiyear group policies need not comply until the expiration of their current multiyear term unless the policyholder elects to comply before that time.

2. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

3. The provisions of sections 376.825 to 376.836 shall expire on January 1, 2011.**]**

[383.250. 1. There is hereby created within the department of insurance, financial institutions and professional registration the "Health Care Stabilization Fund Feasibility Board". The primary duty of the board is to determine whether a health care stabilization fund should be established in Missouri to provide excess medical malpractice insurance coverage for health care providers. As part of its duties, the board shall develop a comprehensive study detailing whether a health care stabilization fund is feasible within Missouri, or specified geographic regions thereof, or whether a health care stabilization fund would be feasible for specific medical specialties. The board shall analyze medical malpractice insurance data collected by the department of insurance, financial institutions and professional registration under sections 383.105 and 383.106 and any other data the board deems necessary to its mission. In addition to analyzing data collected from the Missouri medical malpractice insurance market, the board may study the experience of other states that have established health care stabilization funds or patient compensation funds. If a health care stabilization fund is determined to be feasible within Missouri, the report shall also recommend to the general assembly how the fund should be structured, designed, and funded. The report may contain any other recommendations relevant to the establishment of a health care stabilization fund, including but not limited to specific recommendations for any statutory or regulatory changes necessary for the establishment of a health care stabilization fund.

2. The board shall consist of ten members. Other than the director, the house members and the senate members, the remainder of the board's members

shall be appointed by the director of the department of insurance, financial institutions and professional registration as provided for in this subsection. The board shall be composed of:

(1) The director of the department of insurance, financial institutions and professional registration, or his or her designee;

(2) Two members of the Missouri senate appointed by the president pro tem of the senate with no more than one from any political party;

(3) Two members of the Missouri house of representatives appointed by the speaker of the house with no more than one member from any political party;

(4) One member who is licensed to practice medicine as a medical doctor who is on a list of nominees submitted to the director by an organization representing Missouri's medical society;

(5) One member who practices medicine as a doctor of osteopathy and who is on a list of nominees submitted to the director by an organization representing Missouri doctors of osteopathy;

(6) One member who is a licensed nurse in Missouri and who is on a list submitted to the director by an organization representing Missouri nurses;

(7) One member who is a representative of Missouri hospitals and who is on a list of nominees submitted to the director by an organization representing Missouri hospitals; and

(8) One member who is a physician and who is on a list submitted to the director by an organization representing family physicians in the state of Missouri.

3. The director shall appoint the members of the board, other than the general assembly members, no later than January 1, 2007. Once appointed, the board shall meet at least quarterly, and shall submit its final report and recommendations regarding the feasibility of a health care stabilization fund to the governor and the general assembly no later than December 31, 2010. The board shall also submit annual interim reports to the general assembly regarding the status of its progress.

4. The board shall have the authority to convene conferences and hold hearings. All conferences and hearings shall be held in accordance with chapter 610.

5. The director of the department of insurance, financial institutions and professional registration shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.

6. Board members shall receive no additional compensation but shall be eligible for reimbursement for expenses directly related to the performance of their duties.

7. The provisions of this section shall expire December 31, 2010.**]**

[393.171. 1. The commission shall have the authority to grant the permission and approval specified in section 393.170 after the construction or

acquisition of any electric plant located in a first class county without a charter form of government has been completed if the commission determines that the grant of such permission and approval is necessary or convenient for the public service. Any such permission and approval shall, for all purposes, have the same effect as the permission and approval granted prior to such construction or acquisition. This subsection is enacted to clarify and specify the law in existence at all times since the original enactment of section 393.170.

2. No permission or approval granted for an electric plant by the commission under subsection 1 of this section, nor any special use permit issued for any such electric plant by the governing body of the county in which the electric plant is located, shall extinguish, render moot, or mitigate any suit or claim pending or otherwise allowable by law by any landowner or other legal entity for monetary damages allegedly caused by the operation or existence of such electric plant. Expenses incurred by an electrical corporation in association with the payment of any such damages shall not be recoverable, in any form at any time, from the ratepayers of any such electrical corporation.

3. The commission's authority under subsection 1 of this section shall expire on August 28, 2009.**]**

[488.2205. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within the thirtieth judicial circuit in all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the county where the violation occurred.

2. Each county shall use all funds received pursuant to this section only to pay for the costs associated with the construction, maintenance and operation of the county judicial facility and the circuit juvenile detention center including, but not limited to, utilities, maintenance and building security. The county shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county judicial facility shall be transmitted quarterly to the general revenue fund of the county.

3. This section shall expire and be of no force and effect on and after January 1, 2010.]

[620.602. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Economic Development Policy and Planning" to be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house, appointed by the speaker of the house. No more than three members of the senate and three members of the house shall be from the same political party. The appointment of members shall continue during their terms of office as members of the general assembly or until successors have been duly appointed to fill their places when their terms of office as members of the general assembly have expired. Members of the joint committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses for attending the meetings of the committee, to be paid out of the committee's appropriations or the joint contingent fund.

2. The joint committee on economic development policy and planning shall meet within ten days after its establishment and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. These positions shall rotate annually between a member of the senate and a member of the house of representatives. The committee shall regularly meet at least quarterly. A majority of the members of the committee shall constitute a quorum. The committee may, within the limits of its appropriations, employ such persons as it deems necessary to carry out its duties. The compensation of such personnel shall be paid from the committee's appropriations or the joint contingent fund.

3. The joint committee on economic development policy and planning shall, at its regular meetings, confer with representatives from the governor's office, the department of economic development, the University of Missouri extension service, and other interested parties from the private and public sectors. The joint committee shall review the annual report produced by the department of economic development, as required by section 620.607, and plan, develop and evaluate a long-term economic development policy for the state of Missouri to ensure the state's competitive status with other states.

4. The provisions of this section shall expire on July 1, 2010.]

[630.461. 1. There is hereby created in the department of mental health a committee to be known as the "Review Committee for Purchasing" to review the manner in which the department of mental health purchases services for persons with mental health disorders and substance abuse problems. By December 31, 1995, the committee shall recommend to the governor and the general assembly any changes that should be made in the department of mental health purchasing systems, including whether the department should follow a

competitive purchasing model and, if so, the time frame for initiating such change. The recommendation of the committee shall be made in the context of state and national health care reform and with the goal of providing effective services in a coordinated and affordable manner.

2. The review committee on purchasing created in subsection 1 of this section shall be composed of nine members as follows:

(1) One member of the mental health commission, appointed by the governor;

(2) One representative of the office of administration, appointed by the governor;

(3) The governor or his designee;

(4) Two members appointed at large by the governor, with one member representing the business community and one public member;

(5) Two members, appointed at large by the governor, with one member being a private provider and one member being affiliated with a hospital;

(6) Two members, appointed at large by the governor, who are consumers of mental health services or family members of consumers of mental health services.

3. The review committee established in subsection 1 of this section shall be disbanded on January 1, 1996.

4. Notwithstanding any other provision of law to the contrary, beginning July 1, 1997, if the review committee failed to make the recommendations to the governor and the general assembly as required in subsection 1 of this section, the department of mental health may contract directly with vendors operated or funded pursuant to sections 205.975 to 205.990, or operated or funded pursuant to sections 205.968 to 205.973, without competitive bids. All contracts with vendors who are providers of a consortium of treatment services to the clients of the division of comprehensive psychiatric services shall be awarded in accordance with chapter 34.**]**

[633.410. 1. For purposes of this section, the following terms mean:

(1) "Certification fee", a fee to be paid by providers of health benefit services, which in the aggregate for all providers shall not exceed the overall cost of the department of mental health's operation of its certification programs for residential habilitation, individualized supported living, and day habilitation services provided to developmentally disabled individuals;

(2) "Home and community-based waiver services for persons with developmental disabilities", a department of mental health program which admits persons who are developmentally disabled for residential habilitation, individualized supported living, or day habilitation services under chapter 630;

(3) "Provider of health benefit services", publicly and privately operated programs providing residential habilitation, individualized supported living, or

13 day habilitation services to developmentally disabled individuals that have been
14 certified to meet department of mental health certification standards.
15 2. Beginning July 1, 2009, each provider of health benefit services
16 accepting payment shall pay a certification fee.
17 3. Each provider's fee shall be based on a formula set forth in rules and
18 regulations promulgated by the department of mental health.
19 4. The fee imposed under this section shall be determined based on the
20 reasonable costs incurred by the department of mental health in its programs of
21 certification of providers of health benefit services. Imposition of the fee shall
22 be contingent upon receipt of all necessary federal approvals under federal law
23 and regulation to assure that the collection of the fee will not adversely affect the
24 receipt of federal financial participation in medical assistance under Title XIX of
25 the federal Social Security Act.
26 5. Fees shall be determined annually and prorated monthly by the director
27 of the department of mental health or his or her designee and shall be made
28 payable to the director of the department of revenue.
29 6. In the alternative, a provider may direct that the director of the
30 department of social services offset, from the amount of any payment to be made
31 by the state to the provider, the amount of the fee payment owed for any month.
32 7. Fee payments shall be deposited in the state treasury to the credit of the
33 "Home and Community-Based Developmental Disabilities Waiver
34 Reimbursement Allowance Fund", which is hereby created in the state treasury.
35 All investment earnings of this fund shall be credited to the fund. The state
36 treasurer shall be custodian and may approve disbursement. Notwithstanding the
37 provisions of section 33.080 to the contrary, any unexpended balance in the home
38 and community-based developmental disabilities waiver reimbursement
39 allowance fund at the end of the biennium shall not revert to the general revenue
40 fund but shall accumulate from year to year. The state treasurer shall maintain
41 records that show the amount of money in the fund at any time and the amount
42 of any investment earnings on that amount.
43 8. Every provider of residential habilitation, individualized supported
44 living, and day habilitation services to developmentally disabled individuals shall
45 submit annually an acknowledgment of certification for the purpose of paying its
46 certification fee. The report shall be in such form as may be prescribed by rule
47 by the director of the department of mental health.
48 9. The director of the department of mental health shall prescribe by rule
49 the form and content of any document required to be filed under the provisions
50 of this section.
51 10. Upon receipt of notification from the director of the department of
52 mental health of a provider's delinquency in paying fees required under this
53 section, the director of the department of social services shall withhold, and shall
54 remit to the director of the department of revenue, the fee amount estimated by

55 the director of the department of mental health from any payment to be made by
56 the state to the provider.
57 11. In the event a provider objects to the estimate described in subsection
58 10 of this section, or any other decision of the department of mental health related
59 to this section, the provider of services may request a hearing. If a hearing is
60 requested, the director of the department of mental health shall provide the
61 provider of services an opportunity to be heard and to present evidence bearing
62 on the amount due for an assessment or other issue related to this section within
63 thirty days after collection of an amount due or receipt of a request for a hearing,
64 whichever is later. The director of the department of mental health shall issue a
65 final decision within forty-five days of the completion of the hearing. After
66 reconsideration of the fee determination and a final decision by the director of the
67 department of mental health, a residential habilitation, individualized supported
68 living, and day habilitation services to developmentally disabled individuals
69 provider's appeal of the director of the department of mental health's final
70 decision shall be to the administrative hearing commission in accordance with
71 section 208.156 and section 621.055.
72 12. Notwithstanding any other provision of law to the contrary, appeals
73 regarding this assessment shall be to the circuit court of Cole County or the
74 circuit court in the county in which the provider is located. The circuit court shall
75 hear the matter as the court of original jurisdiction.
76 13. Nothing in this section shall be deemed to affect or in any way limit
77 the tax-exempt or nonprofit status of any provider of residential habilitation,
78 individualized supported living, and day habilitation services to developmentally
79 disabled individuals granted by state law.
80 14. The director of the department of mental health shall promulgate
81 rules and regulations to implement this section. Any rule or portion of a rule, as
82 that term is defined in section 536.010, that is created under the authority
83 delegated in this section shall become effective only if it complies with and is
84 subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
85 This section and chapter 536 are nonseverable and if any of the powers vested
86 with the general assembly pursuant to chapter 536 to review, to delay the
87 effective date, or to disapprove and annul a rule are subsequently held
88 unconstitutional, then the grant of rulemaking authority and any rule proposed or
89 adopted after August 28, 2009, shall be invalid and void.
90 15. The provisions of this section shall expire on September 30, 2011.**]**
91

[640.850. The governor shall convene a committee of representatives of
2 the departments of health and senior services, natural resources, economic
3 development, agriculture, and conservation. The committee shall evaluate
4 opportunities for consolidating services with the goal of improving efficiency and
5 reducing cost while optimizing the benefits to the citizens of Missouri. As part
6 of its evaluation, the committee shall specifically consider the transfer of the

division of energy from the department of natural resources to the department of economic development and the consolidation of water quality laboratory testing under the department of health and senior services for purposes of meeting water testing requirements of the federal Safe Drinking Water Act and the Federal Water Pollution Control Act. The committee shall provide recommendations to the governor and general assembly no later than December 31, 2011.**]**

[650.120. 1. There is hereby created in the state treasury the "Cyber Crime Investigation Fund". The treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Beginning with the 2010 fiscal year and in each subsequent fiscal year, the general assembly shall appropriate three million dollars to the cyber crime investigation fund. The department of public safety shall be the administrator of the fund. Moneys in the fund shall be used solely for the administration of the grant program established under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The department of public safety shall create a program to distribute grants to multijurisdictional internet cyber crime law enforcement task forces, multijurisdictional enforcement groups, as defined in section 195.503, that are investigating internet sex crimes against children, and other law enforcement agencies. The program shall be funded by the cyber crime investigation fund created under subsection 1 of this section. Not more than three percent of the money in the fund may be used by the department to pay the administrative costs of the grant program. The grants shall be awarded and used to pay the salaries of detectives and computer forensic personnel whose focus is investigating internet sex crimes against children, including but not limited to enticement of a child, possession or promotion of child pornography, provide funding for the training of law enforcement personnel and prosecuting and circuit attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary equipment, supplies, and services. The funding for such training may be used to cover the travel expenses of those persons participating.

3. A panel is hereby established in the department of public safety to award grants under this program and shall be comprised of the following members:

(1) The director of the department of public safety, or his or her designee;

(2) Two members shall be appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Police Chiefs Association;

36 (3) Two members shall be appointed by the director of the department of
37 public safety from a list of six nominees submitted by the Missouri Sheriffs'
38 Association;
39 (4) Two members of the state highway patrol shall be appointed by the
40 director of the department of public safety from a list of six nominees submitted
41 by the Missouri State Troopers Association;
42 (5) One member of the house of representatives who shall be appointed
43 by the speaker of the house of representatives; and
44 (6) One member of the senate who shall be appointed by the president
45 pro tem.
46 The panel members who are appointed under subdivisions (2), (3), and (4) of this
47 subsection shall serve a four-year term ending four years from the date of
48 expiration of the term for which his or her predecessor was appointed. However,
49 a person appointed to fill a vacancy prior to the expiration of such a term shall be
50 appointed for the remainder of the term. Such members shall hold office for the
51 term of his or her appointment and until a successor is appointed. The members
52 of the panel shall receive no additional compensation but shall be eligible for
53 reimbursement for mileage directly related to the performance of panel duties.
54 4. Local matching amounts, which may include new or existing funds or
55 in-kind resources including but not limited to equipment or personnel, are
56 required for multijurisdictional internet cyber crime law enforcement task forces
57 and other law enforcement agencies to receive grants awarded by the panel. Such
58 amounts shall be determined by the state appropriations process or by the panel.
59 5. When awarding grants, priority should be given to newly hired
60 detectives and computer forensic personnel.
61 6. The panel shall establish minimum training standards for detectives
62 and computer forensic personnel participating in the grant program established
63 in subsection 2 of this section.
64 7. Multijurisdictional internet cyber crime law enforcement task forces
65 and other law enforcement agencies participating in the grant program established
66 in subsection 2 of this section shall share information and cooperate with the
67 highway patrol and with existing internet crimes against children task force
68 programs.
69 8. The panel may make recommendations to the general assembly
70 regarding the need for additional resources or appropriations.
71 9. The power of arrest of any peace officer who is duly authorized as a
72 member of a multijurisdictional internet cyber crime law enforcement task force
73 shall only be exercised during the time such peace officer is an active member of
74 such task force and only within the scope of the investigation on which the task
75 force is working. Notwithstanding other provisions of law to the contrary, such
76 task force officer shall have the power of arrest, as limited in this subsection,
77 anywhere in the state and shall provide prior notification to the chief of police of
78 a municipality or the sheriff of the county in which the arrest is to take place. If

exigent circumstances exist, such arrest may be made and notification shall be made to the chief of police or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work with the multijurisdictional internet cyber crime law enforcement task force at his or her option when such task force is operating within the jurisdiction of such chief of police or sheriff.

10. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after June 5, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.**]**

[660.425. 1. In addition to all other fees and taxes required or paid, a tax is hereby imposed upon in-home services providers for the privilege of providing in-home services. The tax is imposed upon payments received by an in-home services provider for the provision of in-home services.

2. For purposes of sections 660.425 to 660.465, the following terms shall mean:

(1) "Engaging in the business of providing in-home services", all payments received by an in-home services provider for the provision of in-home services;

(2) "In-home services", homemaker services, personal care services, chore services, respite services, consumer-directed services, and services, when provided in the individual's home and under a plan of care created by a physician, necessary to keep children out of hospitals. "In-home services" shall not include home health services as defined by federal and state law;

(3) "In-home services provider", any provider or vendor, as defined in section 208.900, of compensated in-home services and under a provider agreement or contracted with the department of social services or the department of health and senior services.**]**

[660.430. 1. Each in-home services provider in this state providing in-home services shall, in addition to all other fees and taxes now required or paid, pay an in-home services gross receipts tax, not to exceed six and one-half percent of gross receipts, for the privilege of engaging in the business of providing in-home services in this state.

2. Each in-home services provider's tax shall be based on a formula set forth in rules promulgated by the department of social services. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under

the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. The director of the department of social services or the director's designee may prescribe the form and contents of any forms or other documents required by sections 660.425 to 660.465

4. Notwithstanding any other provision of law to the contrary, appeals regarding the promulgation of rules under this section shall be made to the circuit court of Cole County. The circuit court of Cole County shall hear the matter as the court of original jurisdiction.**]**

[660.435. 1. For purposes of assessing the tax under sections 660.425 to 660.465, the department of health and senior services shall make available to the department of social services a list of all providers and vendors under this section.

2. Each in-home services provider subject to sections 660.425 to 660.465 shall keep such records as may be necessary to determine the total payments received for the provision of in-home services by the in-home services provider. Every in-home services provider shall submit to the department of social services a statement that accurately reflects such information as is necessary to determine such in-home services provider's tax due.

3. The director of the department of social services may prescribe the form and contents of any forms or other documents required by this section.

4. Each in-home services provider shall report the total payments received for the provision of in-home services to the department of social services.**]**

[660.440. 1. The tax imposed by sections 660.425 to 660.465 shall become effective upon authorization by the federal Centers for Medicare & Medicaid Services for a gross receipts tax for in-home services.

2. If the federal Centers for Medicare & Medicaid Services determines that their authorization is not necessary for the tax imposed under sections 660.425 to 660.465, the tax shall become effective sixty days after the date of such determination.**]**

[660.445. 1. The determination of the amount of tax due shall be the total amount of payments reported to the department multiplied by the tax rate established by rule by the department of social services.

2. The department of social services shall notify each in-home services provider of the amount of tax due. Such amount may be paid in increments over the balance of the assessment period.

3. The department of social services may adjust the tax due quarterly on a prospective basis. The department of social services may adjust the tax due more frequently for individual providers if there is a substantial and statistically significant change in the in-home services provided or in the payments received for such services provided. The department of social services may define such adjustment criteria by rule.**]**

[660.450. The director of the department of social services may offset the tax owed by an in-home services provider against any Missouri Medicaid payment due such in-home services provider, if the in-home services provider requests such an offset. The amounts to be offset shall result, so far as practicable, in withholding from the in-home services provider an amount substantially equal to the assessment due from the in-home services provider. The office of administration and the state treasurer may make any fund transfers necessary to execute the offset.**]**

[660.455. 1. The in-home services tax owed or, if an offset has been made, the balance after such offset, if any, shall be remitted by the in-home services provider to the department of social services. The remittance shall be made payable to the director of the department of social services and shall be deposited in the state treasury to the credit of the "In-home Services Gross Receipts Tax Fund" which is hereby created to provide payments for in-home services provided. All investment earnings of the fund shall be credited to the fund.

2. An offset authorized by section 660.450 or a payment to the in-home services gross receipts tax fund shall be accepted as payment of the obligation set forth in section 660.425.

3. The state treasurer shall maintain records showing the amount of money in the in-home services gross receipts tax fund at any time and the amount of investment earnings on such amount.

4. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the in-home services gross receipts tax fund at the end of the biennium shall not revert to the credit of the general revenue fund.**]**

[660.460. 1. The department of social services shall notify each in-home services provider with a tax due of more than ninety days of the amount of such balance. If any in-home services provider fails to pay its in-home services tax within thirty days of such notice, the in-home services tax shall be delinquent.

2. If any tax imposed under sections 660.425 to 660.465 is unpaid and delinquent, the department of social services may proceed to enforce the state's lien against the property of the in-home services provider and compel the

payment of such assessment in the circuit court having jurisdiction in the county where the in-home services provider is located. In addition, the department of social services may cancel or refuse to issue, extend, or reinstate a Medicaid provider agreement to any in-home services provider that fails to pay the tax imposed by section 660.425.

3. Failure to pay the tax imposed under section 660.425 shall be grounds for failure to renew a provider agreement for services or failure to renew a provider contract. The department of social services may revoke the provider agreement of any in-home services provider that fails to pay such tax, or notify the department of health and senior services to revoke the provider contract.**]**

[660.465. 1. The in-home services tax required by sections 660.425 to 660.465 shall expire:

(1) Ninety days after any one or more of the following conditions are met:

(a) The aggregate in-home services fee as appropriated by the general assembly paid to in-home services providers for in-home services provided is less than the fiscal year 2010 in-home services fees reimbursement amount; or

(b) The formula used to calculate the reimbursement as appropriated by the general assembly for in-home services provided is changed resulting in lower reimbursement to in-home services providers in the aggregate than provided in fiscal year 2010; or

(2) September 1, 2012.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection.

2. Sections 660.425 to 660.465 shall expire on September 1, 2012.**]**

[701.058. The department of natural resources and the department of health and senior services shall jointly hold stakeholder meetings for the purpose of gathering data and information regarding permits and inspections for on-site sewage disposal systems. The departments shall evaluate the data and information obtained and present their findings and recommendations in a report to be submitted to the general assembly by December 31, 2011.**]**

[701.502. 1. The department shall conduct a study of the energy efficiency of consumer electronic products and report to the general assembly no later than July 1, 2010. The report shall include:

(1) An assessment of energy requirements and energy usage of consumer electronic products;

(2) Recommendations to consumers regarding appropriate use of consumer electronic products; and

(3) Recommendations to consumers regarding the availability of energy efficient consumer electronic products in Missouri.

10 2. The report shall be posted on the department's website and made
11 available to the public upon request.]

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