SECOND REGULAR SESSION

HOUSE REVISION BILL NO. 2039

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLER.

5645H.01I D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 1.310, 8.800, 8.805, 8.830, 8.843, 21.930, 33.295, 33.700, 33.710, 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.400, 105.420, 105.430, 105.440, 105.445, 135.210, 135.311, 135.575, 135.750, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540, 143.105, 143.106, 143.107, 143.173, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050, 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 173.197, 178.930, 196.973, 205.580. 205.590, 205.600, 205.610, 205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993, 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 251.650, 261.295, 288.036, 288.121, 288.128, 288.131, 301.562, 324.028, 324.159, 324.406, 326.265, 327.451, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510, 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157, 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and section 302.700 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof ninety-nine new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions, with a penalty provision.

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.

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

Section A. Sections 1.310, 8.800, 8.805, 8.830, 8.843, 21.930, 33.295, 33.700, 33.710, 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.400, 105.420, 105.430, 105.440, 105.445, 135.210, 135.311, 135.575, 135.750, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540, 143.105, 143.106, 143.107, 143.173, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050, 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 173.197, 178.930, 196.973, 205.580. 205.590, 205.600, 205.610, 205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993, 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 251.650, 261.295, 288.036, 288.121, 288.128, 288.131, 301.562, 324.028, 324.159, 324.406, 326.265, 327.451, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510, 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157, 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and section 302.700 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, are repealed and ninety-nine new sections enacted in lieu thereof, to be known as sections 1.310, 8.800, 8.805, 8.830, 8.843, 42.300, 44.105, 51.165, 67.5016, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.400, 105.420, 105.430, 135.210, 135.311, 135.950, 141.540, 143.811, 144.030, 144.810, 147.020, 147.050, 161.215, 165.011, 170.051, 178.930, 196.973, 208.156, 209.015, 210.027, 210.114, 211.447, 226.805, 261.295, 288.036, 288.121, 288.128, 301.562, 302.700, 324.028, 324.159, 324.406, 326.265, 327.451, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.400, 414.406, 414.412, 414.417, 414.510, 620.035, 620.511, 620.512, 620.513, 640.153, 640.155, 640.157, 640.160, 640.651, 640.653, 660.135, 701.500, and 701.509, to read as follows:

EXPLANATION: SUBSECTIONS 3 TO 5 OF THIS SECTION BECAME OBSOLETE ON 08-28-14:

1.310. 1. This section shall be known and may be cited as the "Big Government Get Off My Back Act".

2. Any federal mandate compelling the state to enact, enforce, or administer a federal regulatory program shall be subject to authorization through appropriation or statutory enactment.

[3. No user fees imposed by the state of Missouri shall increase for the five-year period beginning on August 28, 2009, unless such fee increase is to implement a federal program administered by the state or is a result of an act of the general assembly. For purposes of this section, "user fee" does not include employer taxes or contributions, assessments to offset the cost of examining insurance or financial institutions, any health-related taxes approved by the Center for Medicare and Medicaid Services, or any professional or occupational licensing fees set by a board of members of that profession or occupation and required by statute to be set at a level not to exceed the cost of administration.

4. For the five-year period beginning on August 28, 2009, any state agency proposing a rule as that term is defined in subdivision (6) of section 536.010, other than any rule promulgated as a result of a federal mandate, or to implement a federal program administered by the state or an act of the general assembly, shall either:

(1) Certify that the rule does not have an adverse impact on small businesses consisting of fewer than fifty full- or part-time employees; or

(2) Certify that the rule is necessary to protect the life, health or safety of the public; or

(3) Exempt any small business consisting of fewer than fifty full- or part-time employees from coverage.

5. The provisions of this section shall not be construed to prevent or otherwise restrict an agency from promulgating emergency rules pursuant to section 536.025, or from rescinding any existing rule pursuant to section 536.021.**]**

THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

8.800. As used in sections 8.800 to 8.825, the following terms mean:

(1) "Builder", the prime contractor that hires and coordinates building subcontractors or if there is no prime contractor, the contractor that completes more than fifty percent of the total construction work performed on the building. Construction work includes, but is not limited to, foundation, framing, wiring, plumbing and finishing work;

(2) "Department", the department of **[**natural resources**]** **economic development**;

(3) "Designer", the architect, engineer, landscape architect, builder, interior designer or other person who performs the actual design work or is under the direct supervision and responsibility of the person who performs the actual design work;

(4) "District heating and cooling systems", heat pump systems which use waste heat from factories, sewage treatment plants, municipal solid waste incineration, lighting and other heat sources in office buildings or which use ambient thermal energy from sources including temperature differences in rivers to provide regional heating or cooling;

(5) "Division", the division of facilities management, design and construction;

(6) "Energy efficiency", the increased productivity or effectiveness of energy resources use, the reduction of energy consumption, or the use of renewable energy sources;

(7) "Gray water", all domestic wastewater from a state building except wastewater from urinals, toilets, laboratory sinks, and garbage disposals;

(8) "Life cycle costs", the costs associated with the initial construction or renovation and the proposed energy consumption, operation and maintenance costs over the useful life of a state building or over the first twenty-five years after the construction or renovation is completed;

(9) "Public building", a building owned or operated by a governmental subdivision of the state, including, but not limited to, a city, county or school district;

(10) "Renewable energy source", a source of thermal, mechanical or electrical energy produced from solar, wind, low-head hydropower, biomass, hydrogen or geothermal sources, but not from the incineration of hazardous waste, municipal solid waste or sludge from sewage treatment facilities;

(11) "State agency", a department, commission, authority, office, college or university of this state;

(12) "State building", a building owned by this state or an agency of this state;

(13) "Substantial renovation" or "substantially renovated", modifications that will affect at least fifty percent of the square footage of the building or modifications that will cost at least fifty percent of the building's fair market value.

THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

8.805. 1. For the first three years of each completed energy efficiency project for state buildings, to the extent that there are energy savings beyond payment of the financing obligation, required reserves and other expenses associated with project financing, one-half of the energy savings shall be placed in the energy analyses account, created in section 8.807, and one-half shall revert to the general revenue fund. The division, in conjunction with the department, shall establish criteria for determining projected savings from energy efficiency projects in state

buildings. The division, in conjunction with all state agencies, shall establish criteria for determining the actual savings which result from a specific energy efficiency project.

2. Beginning January 15, 1997, and annually thereafter, the office of administration and the department of **[**natural resources**]** **economic development** shall file a joint report to the house committee on energy and environment, the senate committee on energy and environment, or their successor committees, and the governor on the identification of, planning for and implementation of energy efficiency projects in state buildings.

THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

8.830. For purposes of sections 8.830 to 8.851, the following terms mean:

(1) "Department", the department of **[**natural resources**]** **economic development**;

(2) "Director", the director of the department of **[**natural resources**]** **economic development**;

(3) "Division", the division of facilities management, design and construction;

(4) "Public building", a building owned or operated by a governmental subdivision of the state, including, but not limited to, a city, county or school district;

(5) "State building", a building owned or operated by the state, a state agency or department, a state college or a state university.

THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

8.843. There is hereby established an interagency advisory committee on energy cost reduction and savings. The committee shall consist of the commissioner of administration, the director of the division of facilities management, design and construction, the director of the department of **[**natural resources**]** **economic development**, the director of the environmental improvement and energy resources authority, the director of the division of energy, the director of the department of transportation, the director of the department of conservation and the commissioner of higher education. The committee shall advise the department on the development of the minimum energy efficiency standard and state building energy efficiency rating system and shall assist the office of administration in implementing sections 8.833 and 8.835.

EXPLANATION: THE AUTHORITY FOR AUDITS UNDER SUBSECTION 4 OF THIS SECTION EXPIRED 12-31-13:

42.300. 1. There is hereby created in the state treasury the "Veterans Commission Capital Improvement Trust Fund" which shall consist of money collected under section 313.835. The state treasurer shall administer the veterans commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans commission for:

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

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

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

(4) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Appropriations from the veterans commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed ten million dollars total may be made from the veterans commission capital improvement trust fund as a match to other funds for the new construction or renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, new construction, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans commission prior to July 1, 2004;

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

(6) For payment of Missouri National Guard and Missouri veterans commission expenses associated with providing medals, medallions and certificates in recognition of service in the Armed Forces of the United States during World War II, the Korean Conflict, and the

Vietnam War under sections 42.170 to 42.226. Any funds remaining from the medals, medallions and certificates shall not be transferred to any other fund and shall only be utilized for the awarding of future medals, medallions, and certificates in recognition of service in the Armed Forces;

(7) Fund transfers totaling ten million dollars to any municipality with a population greater than three hundred fifty thousand inhabitants and located in part in a county with a population greater than six hundred thousand inhabitants and with a charter form of government, for the sole purpose of the construction, restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I; and

(8) The administration of the Missouri veterans commission.

2. Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund under this section. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the veterans commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

3. Upon request by the veterans commission, the general assembly may appropriate moneys from the veterans commission capital improvement trust fund to the Missouri National Guard trust fund to support the activities described in section 41.958.

[4. The state auditor shall conduct an audit of all moneys in the veterans commission capital improvement trust fund every year beginning January 1, 2011, and ending on December 31, 2013. The findings of each audit shall be distributed to the general assembly, governor, and lieutenant governor no later than ten business days after the completion of such audit.**]**

THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-01:

44.105. 1. In a governor-declared state of emergency, the **[**department of health and senior services**]** **governor** may suspend any provision of chapters 195 and 334 pertaining to dispensing medications. Persons who dispense medications under this section shall be trained by the **[**department of health and senior services**]** **agency** and shall dispense medications under the supervision of a licensed health care provider according to the **[**department's**]** **agency's** strategic national stockpile plan.

2. The **[**department**]** **agency** may develop effective citizen involvement to recruit, train, and accept the services of volunteers to supplement the programs administered by the **[**department**]** **agency** in dispensing medications to the population in the event of an emergency.

3. Volunteers recruited, trained, and accepted by the **[**department**]** **agency** shall comply with the **[**department's**]** **agency's** strategic national stockpile plan in dispensing medications.

4. The **[**department**] agency** may:

(1) Provide staff as deemed necessary for the effective management and development of volunteer dispensing sites deployed in response to a governor-declared emergency;

(2) Provide or assure access to professional staff as deemed necessary for the effective training and oversight of volunteers;

(3) Develop and provide to all volunteers written rules governing the job descriptions, recruitment, screening, training responsibility, utilization, and supervision of volunteers; and

(4) Educate volunteers to ensure that they understand their duties and responsibilities.

5. Non-health care professional volunteers, whose liability is not otherwise protected by section 44.045 shall be deemed unpaid employees and shall be accorded the protection of the legal expense fund and other provisions of section 105.711.

6. As used in this section, "volunteer" means any person who, of his or her own free will, performs any assigned duties for the **[**department of health and senior services**] agency** with no monetary or material compensation.

EXPLANATION: THIS SECTION CHANGES OBSOLETE SOCIAL SECURITY PROVISIONS AND BRINGS MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

51.165. In all counties of class three and four which shall enter into an agreement with the state agency to place county employees under the Federal Social Security Act in accordance with the provisions of sections 105.300 to **[**105.440**] 105.430**, it shall be the duty of the county clerk to keep necessary records, collect contributions of county employees **[**and remit the same to the state agency**]**, and do all other administrative acts required by the agreement or by ruling of the federal or state agency in order to carry out the purposes of the aforesaid law.

EXPLANATION: THIS SECTION REMOVES OBSOLETE LANGUAGE REGARDING THE COMMINGLING OF STATE AND LOCAL FUNDS:

67.5016. 1. Any county levying a local sales tax under the authority of sections 67.5000 to 67.5038 shall not administer or collect the tax locally, but shall utilize the services of the state department of revenue to administer, enforce, and collect the tax. The sales tax shall be administered, enforced, and collected in the same manner and by the same procedure as other local sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

2. Upon receipt of a certified copy of a resolution from the county authorizing the levy of a local sales tax, which resolution shall state the name of the district in which that county is included, the director of the department of revenue shall cause this tax to be collected at the same

time and in the same manner provided for the collection of the state sales tax. All moneys derived from this local sales tax imposed under the authority of sections 67.5000 to 67.5038 and collected under the provisions of this section by the director of revenue shall be **[**credited to a fund established for the district, which is hereby established in**]** **deposited with** the state treasury**[,]** under the name of that district, as established. **The moneys derived from local sales tax shall not be deemed to be state funds and shall not be commingled with any funds of the state.** Any refund due on any local sales tax collected pursuant to section 67.5000 to 67.5038 shall be paid out of the sales tax refund fund and reimbursed by the director of revenue from the sales tax revenue collected under this section. All local sales tax revenue derived from the authority granted by sections 67.5000 to 67.5038 and collected from within any county, under this section, shall be remitted at least quarterly by the director of revenue to the district established by sections 67.5000 to 67.5038, the source county included in the district and the cities in that county, in the percentages set forth in section 67.5014.

EXPLANATION: REMOVES THE REFERENCE IN SUBDIVISION (15) TO THE JOINT COMMITTEE ON ECONOMIC POLICY AND PLANNING WHICH WAS REPEALED IN 2014:

100.710. As used in sections 100.700 to 100.850, the following terms mean:

(1) "Assessment", an amount of up to five percent of the gross wages paid in one year by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic development project is located within a distressed community as defined in section 135.530;

(2) "Board", the Missouri development finance board as created by section 100.265;

(3) "Certificates", the revenue bonds or notes authorized to be issued by the board pursuant to section 100.840;

(4) "Credit", the amount agreed to between the board and an eligible industry, but not to exceed the assessment attributable to the eligible industry's project;

(5) "Department", the Missouri department of economic development;

(6) "Director", the director of the department of economic development;

(7) "Economic development project":

(a) The acquisition of any real property by the board, the eligible industry, or its affiliate; or

(b) The fee ownership of real property by the eligible industry or its affiliate; and

(c) For both paragraphs (a) and (b) of this subdivision, "economic development project" shall also include the development of the real property including construction, installation, or equipping of a project, including fixtures and equipment, and facilities necessary or desirable for improvement of the real property, including surveys; site tests and inspections; subsurface site

work; excavation; removal of structures, roadways, cemeteries and other surface obstructions; filling, grading and provision of drainage, storm water retention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site construction of utility extensions to the boundaries of the real property; and the acquisition, installation, or equipping of facilities on the real property, for use and occupancy by the eligible industry or its affiliates;

(8) "Eligible employee", a person employed on a full-time basis in a new job at the economic development project averaging at least thirty-five hours per week who was not employed by the eligible industry or a related taxpayer in this state at any time during the twelve-month period immediately prior to being employed at the economic development project. For an essential industry, a person employed on a full-time basis in an existing job at the economic development project averaging at least thirty-five hours per week may be considered an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;

(9) "Eligible industry", a business located within the state of Missouri which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, health or professional services. "Eligible industry" does not include a business which closes or substantially reduces its operation at one location in the state and relocates substantially the same operation to another location in the state. This does not prohibit a business from expanding its operations at another location in the state provided that existing operations of a similar nature located within the state are not closed or substantially reduced. This also does not prohibit a business from moving its operations from one location in the state to another location in the state for the purpose of expanding such operation provided that the board determines that such expansion cannot reasonably be accommodated within the municipality in which such business is located, or in the case of a business located in an incorporated area of the county, within the county in which such business is located, after conferring with the chief elected official of such municipality or county and taking into consideration any evidence offered by such municipality or county regarding the ability to accommodate such expansion within such municipality or county. An eligible industry must:

(a) Invest a minimum of fifteen million dollars, or ten million dollars for an office industry, in an economic development project; and

(b) Create a minimum of one hundred new jobs for eligible employees at the economic development project or a minimum of five hundred jobs if the economic development project is an office industry or a minimum of two hundred new jobs if the economic development project is an office industry located within a distressed community as defined in section 135.530, or in

56 the case of an approved company for a project for a world headquarters of a business whose
57 primary function is tax return preparation in any home rule city with more than four hundred
58 thousand inhabitants and located in more than one county, create a minimum of one hundred new
59 jobs for eligible employees at the economic development project. An industry that meets the
60 definition of "essential industry" may be considered an eligible industry for the purposes of the
61 program authorized by sections 100.700 to 100.850.
62
63 Notwithstanding the preceding provisions of this subdivision, a development agency, as such
64 term is defined in subdivision (3) of section 100.255, or a corporation, limited liability company,
65 or partnership formed on behalf of a development agency, at the option of the board, may be
66 authorized to act as an eligible industry with such obligations and rights otherwise applicable to
67 an eligible industry, including the rights of an approved company under section 100.850, so long
68 as the eligible industry otherwise meets the requirements imposed by this subsection;
69 (10) "Essential industry", a business that otherwise meets the definition of eligible
70 industry except an essential industry shall:
71 (a) Be a targeted industry;
72 (b) Be located in a home rule city with more than twenty-six thousand but less than
73 twenty-seven thousand inhabitants located in any county with a charter form of government and
74 with more than one million inhabitants or in a city of the fourth classification with more than
75 four thousand three hundred but fewer than four thousand four hundred inhabitants and located
76 in any county with a charter form of government and with more than one million inhabitants;
77 (c) Have maintained at least two thousand jobs at the proposed economic development
78 project site each year for a period of four years preceding the year in which application for the
79 program authorized by sections 100.700 to 100.850 is made and during the year in which said
80 application is made;
81 (d) Retain, at the proposed economic development project site, the level of employment
82 that existed at the site in the taxable year immediately preceding the year in which application
83 for the program, authorized by sections 100.700 to 100.850, is made. Retention of such level
84 of employment shall commence three years from the date of issuance of the certificates and
85 continue for the duration of the certificates; and
86 (e) Invest a minimum of five hundred million dollars in the economic development
87 project by the end of the third year after the issuance of the certificates under this program;
88 (11) "New job", a job in a new or expanding eligible industry not including jobs of
89 recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the
90 state. For an essential industry, an existing job may be considered a new job for the purposes of
91 the program authorized by sections 100.700 to 100.850;

92 (12) "Office industry", a regional, national or international headquarters, a
93 telecommunications operation, a computer operation, an insurance company, or a credit card
94 billing and processing center;
95 (13) "Program costs", all necessary and incidental costs of providing program services
96 including payment of the principal of premium, if any, and interest on certificates, including
97 capitalized interest, issued to finance a project, and funding and maintenance of a debt service
98 reserve fund to secure such certificates. Program costs shall include:
99 (a) Obligations incurred for labor and obligations incurred to contractors, subcontractors,
100 builders and materialmen in connection with the acquisition, construction, installation or
101 equipping of an economic development project;
102 (b) The cost of acquiring land or rights in land and any cost incidental thereto, including
103 recording fees;
104 (c) The cost of contract bonds and of insurance of all kinds that may be required or
105 necessary during the course of acquisition, construction, installation or equipping of an economic
106 development project which is not paid by the contractor or contractors or otherwise provided for;
107 (d) All costs of architectural and engineering services, including test borings, surveys,
108 estimates, plans and specifications, preliminary investigations and supervision of construction,
109 as well as the costs for the performance of all the duties required by or consequent upon the
110 acquisition, construction, installation or equipping of an economic development project;
111 (e) All costs which are required to be paid under the terms of any contract or contracts
112 for the acquisition, construction, installation or equipping of an economic development project;
113 and
114 (f) All other costs of a nature comparable to those described in this subdivision;
115 (14) "Program services", administrative expenses of the board, including contracted
116 professional services, and the cost of issuance of certificates;
117 (15) "Targeted industry", an industry or one of a cluster of industries that is identified
118 by the department as critical to the state's economic security and growth **[**and affirmed as such
119 by the joint committee on economic development policy and planning established in section
120 620.602**]**.
121
122 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO
123 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

104.342. 1. Any person hired by the state on or after August 13, 1986, in any of the
2 positions described in this subsection shall be a member of the system from the date on which
3 such employment begins. This subsection shall apply to any person duly certified under the law
4 governing the certification of teachers who is employed full time:

5 (1) As a teacher by the division of youth services;
6 (2) As a teacher by a division of the state department of social services and who renders
7 services in a school whose standards of education are set and which is supervised by a public
8 school officer of the county in which the school is located, by the department of elementary and
9 secondary education or by the coordinating board for higher education;
10 (3) As a teacher by the section of inmate education of the department of corrections;
11 (4) In either a teaching or supervisory teaching capacity by the department of mental
12 health, in which his or her duties include participation in the educational program of the
13 department of mental health.
14 2. Any person employed in any of the positions described in subsection 1 of this section
15 immediately prior to and on August 13, 1986, may elect, in writing, to:
16 (1) Become a member of the Missouri state employees' retirement system effective
17 January 1, 1987. Any person who, by virtue of an election made under this subdivision, becomes
18 a member of the Missouri state employees' retirement system shall be entitled to creditable prior
19 service credit for service rendered in any of the positions described in subsection 1 of this
20 section. Members who so elect shall be eligible, upon written request filed with the public
21 school retirement system, to receive a refund of their accumulated contributions including
22 interest of six percent and upon payment of such refund, the public school retirement systems
23 shall pay to the state employees' retirement system before June 30, 1987, an amount equal to the
24 amount paid the public school retirement system on behalf of each member so electing by the
25 member's employer; or
26 (2) Remain a member of the public school retirement system of Missouri created under
27 sections 169.010 to 169.140. Any person entitled to make the election provided by this
28 subsection who does not make such election, in writing, by January 1, 1987, shall be deemed to
29 have elected to be governed by subdivision (1) of this subsection.
30 3. Any person who is employed on a full-time basis by Truman State University,
31 Northwest Missouri State University, Central Missouri State University, Southeast Missouri
32 State University, Southwest Missouri State University, Harris-Stowe State College or Missouri
33 Southern State College and Missouri Western State College shall be a member of the system;
34 except that any person who is duly certified under the laws governing the certification of teachers
35 and who is a full-time employee of such institution or institutions on June 14, 1989, and is
36 contributing because of such employment to a retirement system established under sections
37 169.010 to 169.140 or sections 169.410 to 169.540, may make an election to continue in that
38 retirement system if such election is made on or before December 31, 1989. This election shall
39 not apply to any such person who commenced receiving retirement benefits prior to January 1,
40 1990, from any state retirement system because of such service.

41 4. Effective January 1, 1990, only after an affirmative referendum in accordance with
42 section 105.353, any person who is employed on a full-time basis by the department of
43 elementary and secondary education shall be a member of the system; except that any person
44 duly certified under the law governing the certification of teachers who is a full-time employee
45 at any time during the period extending from June 14, 1989, through December 31, 1989, and
46 is contributing because of such employment to the retirement system established under sections
47 169.010 to 169.140, may elect to continue in that retirement system if such election is made on
48 or before December 31, 1989. This election shall not apply to any such person who commenced
49 receiving retirement benefits prior to January 1, 1990, from any state retirement system because
50 of such service.
51 5. On June 14, 1989, all newly employed persons in the positions described in subsection
52 3 of this section shall become members of the Missouri state employees' retirement system.
53 Effective January 1, 1990, and only after an affirmative referendum provided for in subsection
54 4 of this section, all newly employed persons in the positions described in subsection 4 of this
55 section shall become members of the Missouri state employees' retirement system.
56 6. Any employee actively employed on June 14, 1989, who, because of employment in
57 a position described in subsection 1, 3 or 4 of this section, has creditable service in this system
58 for such employment which at the time the service was rendered was not covered by the federal
59 Social Security Act, shall remain in this system and be entitled to the benefits provided under
60 subdivision (1) of subsection 7 of this section; except that any such employee who has creditable
61 service in this system because of employment in a position described in subsection 4 of this
62 section which is not covered by the federal Social Security Act on January 1, 1990, shall not be
63 entitled to the benefits provided under subdivision (1) of subsection 7 of this section for such
64 creditable service.
65 7. Any person entitled to make the election provided by subsection 3 or 4 of this section,
66 who does not make such election, in writing, on or before December 31, 1989, shall be deemed
67 to have elected to be governed by subdivision (1) of this subsection:
68 (1) Those persons described in subsections 3 and 4 of this section who elect or have
69 elected by written request filed with the board to be members of this system, shall be entitled to
70 creditable prior service for service rendered in any of the positions described in subsections 1,
71 3 and 4 of this section. Any person who so elects shall be eligible, upon written request filed
72 with the board on or before March 31, 1990, with the retirement system established under
73 sections 169.010 to 169.140 or sections 169.410 to 169.540, to receive a refund of the member's
74 accumulated contributions for the creditable service in any of the positions described in
75 subsections 1, 3 and 4 of this section, plus interest at an annual rate of six percent computed on
76 the refundable balance, if any, in the member's account in that retirement system as of June 30,

77 1989. Such refunds shall be made prior to June 1, 1990. If any creditable prior service
78 transferred under subsection 1, 3 or 4 of this section, or subsection 3 of section 104.372, includes
79 periods of service not covered by the federal Social Security Act, as provided in sections 105.300
80 to **[**105.445**]** **105.430**, then, in calculating the benefit amount payable to such member, the
81 normal annuity shall be an amount equal to two and one-tenth percent of the average
82 compensation of the member multiplied by the number of years of such creditable service for the
83 positions described in subsections 1, 3 and 4 of this section not covered by the federal Social
84 Security Act in addition to an amount payable under section 104.374 for all service covered by
85 the federal Social Security Act. The normal annuity as described in this subdivision shall be
86 adjusted for early retirement, if applicable;
87 (2) Any person described in subsections 3 and 4 of this section, who elects to remain in
88 one of the retirement systems established under sections 169.010 to 169.140 or sections 169.410
89 to 169.540, shall, notwithstanding any provision of chapter 169 to the contrary, be a
90 noncontributing member of such system and shall receive a refund of the member's accumulated
91 contributions for the creditable service in any of the positions described in subsection 1, 3 or 4
92 of this section, plus interest at an annual rate of six percent computed on the refundable balance,
93 if any, in the member's account in that retirement system as of June 30, 1989. Such refunds shall
94 be made prior to June 1, 1990. At the time of retirement under the provisions of sections
95 169.010 to 169.140 or sections 169.410 to 169.540, such person shall receive a retirement benefit
96 computed under the then existing law of that retirement system; except that, for any person
97 employed in a position described in subsection 4 of this section, the benefit shall be the amount
98 computed as though the position were not covered by the federal Social Security Act, reduced
99 by the amount of any federal Social Security benefit the person may receive which is attributable
100 to service rendered in the positions described in subsection 4 of this section after December 31,
101 1989.
102 8. Upon payment of the refunds provided in subdivision (1) of subsection 7 of this
103 section, each refunding retirement system shall pay to the state employees' retirement system,
104 by December 31, 1990, an amount actuarially determined to equal the liability transferred from
105 such retirement systems. At least ninety days before each regular session of the general assembly
106 the board of trustees of the affected public school retirement system shall certify to the division
107 of budget an actuarially determined estimate of the amount which will be necessary during the
108 next appropriation period to pay all liabilities, including costs of administration, which shall exist
109 or accrue under subsections 1 through 7 of this section during such period. The estimate shall
110 be computed as a level percentage of payroll compensation to cover the normal cost and to
111 amortize the accrued liability over a period not to exceed forty years. The commissioner of
112 administration shall request appropriation of the amount calculated under the provisions of this

113 subsection. The commissioner of administration monthly shall requisition and certify the
114 payment to the executive secretary of the appropriate school retirement system.
115 9. Notwithstanding any provisions of chapter 169 to the contrary, any member who
116 becomes a member under the provisions of subsection 2, 5, or 7 of this section and who has
117 creditable service with a public school retirement system under that chapter because of
118 employment with any employer other than those defined in subsection 1, 3, or 4 of this section
119 shall immediately vest in that public school retirement system and upon attainment of the
120 minimum retirement age of that system shall be entitled to a monthly benefit based on such
121 creditable service and the law in effect at that time, provided the person does not elect to
122 withdraw the member's accumulated contributions for such creditable service from that public
123 school retirement system.
124 10. Effective July 1, 1988, the Lincoln University board of curators shall terminate the
125 Lincoln University retirement, disability and death benefit plan and shall purchase through
126 competitive bids annuities adequate to cover the liability for all benefits presently being paid
127 from such plan to former employees or their surviving beneficiaries upon the death of the
128 employee as provided by such plan at the time of the commencement of benefits to such former
129 employees or beneficiaries. Lincoln University shall pay to the Missouri state employees'
130 retirement system on or before July 1, 1988, an amount equal to all funds and securities thereon
131 contained in the Lincoln University retirement, disability and death benefit plan less the amount
132 needed to purchase annuities for retiree and survivor benefits.
133 11. Effective July 1, 1988, the Lincoln University board of curators shall certify to the
134 board of trustees of the Missouri state employees' retirement system all persons eligible to
135 receive but not yet receiving benefits under the Lincoln University retirement, disability and
136 death benefit plan, for service prior to June 30, 1988, together with the amounts payable and
137 supporting documentation as to the methods, plan provisions and data used to calculate such
138 benefits, to the satisfaction of the board of trustees of the Missouri state employees' retirement
139 system, and the Missouri state employees' retirement system shall assume responsibility for
140 payment of such benefits in the future.
141 12. Any person employed on a full-time basis by Lincoln University on or after July 1,
142 1988, shall become a member of the Missouri state employees' retirement system, and may elect
143 in writing to receive creditable prior service for all full-time service to Lincoln University if such
144 service is not now credited the member under the Missouri state employees' retirement system,
145 and provided the member elects in writing to forfeit all rights accrued under the Lincoln
146 University retirement, disability and death benefit plan for such service.
147 13. (1) Any person who is employed by Harris-Stowe State College as a teacher or
148 administrator on August 28, 1995, who was employed full time by Harris-Stowe College prior

149 to September 1, 1978, who became a member of the Missouri state employees' retirement system
150 on or after September 1, 1978, and who has been continuously employed by the college, may
151 purchase creditable prior service for any service rendered to Harris-Stowe College prior to
152 September 1, 1978, which is not otherwise credited under the Missouri state employees'
153 retirement system, not to exceed twelve years;
154 (2) Any person eligible to purchase creditable prior service under the provisions of
155 subdivision (1) of this subsection may make written application to the board of trustees of the
156 Missouri state employees' retirement system prior to retirement, but not later than April 1, 1996.
157 The purchase shall be effected by the member and the public school retirement system of which
158 the member was previously a member paying to the Missouri state employees' retirement system
159 the following amounts:
160 (a) The amount contributed by the employee to the St. Louis public school retirement
161 system during the years of prior service with Harris-Stowe College for which the employee seeks
162 to purchase creditable prior service in the Missouri state employees' retirement system, including
163 interest which may have been credited to the member's individual account with the system, or
164 which would have been credited to the account had it remained with the St. Louis public school
165 retirement system; and
166 (b) An amount which shall not be less than zero and which shall equal the actuarial
167 accrued liability of the St. Louis public school retirement system for the prior service, determined
168 as of the transfer date as if the member were still in active service covered by the St. Louis public
169 school retirement system, less the amount stipulated in paragraph (a) of this subdivision;
170 (c) If the member had received a refund of contributions related to service covered by
171 the St. Louis public school retirement system, the amount stipulated in paragraph (a) of this
172 subdivision shall be paid to the Missouri state employees' retirement system by the member,
173 otherwise, such amount shall be paid to the Missouri state employees' retirement system by the
174 St. Louis public school retirement system;
175 (3) Any amount payable to the Missouri state employees' retirement system by the
176 member may be paid in a lump sum or in monthly installments. If paid in monthly installments,
177 the period over which payments are being made may not extend beyond the earlier of the
178 member's retirement date or April 1, 1997, and shall include interest at a rate established by the
179 board of trustees of the Missouri state employees' retirement system;
180 (4) Any amounts payable to the Missouri state employees' retirement system by the St.
181 Louis public schools retirement system shall be paid in a lump sum and shall not be paid later
182 than the earlier of the member's retirement date or April 1, 1997, and shall include interest at a
183 rate established by the board of trustees of the Missouri state employees' retirement system;

184 (5) Any person who elects to purchase creditable prior service under the provisions of
185 this section shall file with the St. Louis public school retirement system an irrevocable waiver
186 and release of any rights and benefits in that system for the creditable prior service being
187 purchased. The member shall file with the Missouri state employees' retirement system a copy
188 of the waiver and an affidavit stating that he or she is no longer eligible to receive benefits or
189 credits in any other retirement system for the creditable prior service being purchased**[**;
190 (6) All retirement plans defined under section 105.660 shall develop a procurement
191 action plan for utilization of minority and women money managers, brokers and investment
192 counselors. Such retirement systems shall report their progress annually to the joint committee
193 on public employee retirement and the governor's minority advocacy commission**]**.
194 14. In no event shall any person receive service credit for the same period of service
195 under more than one retirement system.
196
197 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO
198 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

104.1024. 1. Any member who terminates employment may retire on or after attaining
2 normal retirement eligibility by making application in written form and manner approved by the
3 appropriate board. The written application shall set forth the annuity starting date which shall
4 not be earlier than the first day of the second month following the month of the execution and
5 filing of the member's application for retirement nor later than the first day of the fourth month
6 following the month of the execution and filing of the member's application for retirement. The
7 payment of the annuity shall be made the last working day of each month, providing all
8 documentation required under section 104.1027 for the calculation and payment of the benefits
9 is received by the board.
10 2. A member's annuity shall be paid in the form of a life annuity, except as provided in
11 section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the
12 final average pay of the member multiplied by the member's years of credited service.
13 3. The life annuity defined in subsection 2 of this section shall not be less than a monthly
14 amount equal to fifteen dollars multiplied by the member's full years of credited service.
15 4. If as of the annuity starting date of a member who has attained normal retirement
16 eligibility the sum of the member's years of age and years of credited service equals eighty or
17 more years and if the member's age is at least forty-eight years but less than sixty-two years, or,
18 in the case of a member of the highway patrol who shall be subject to the mandatory retirement
19 provision of section 104.080, the mandatory retirement age and completion of five years of
20 credited service, then in addition to the life annuity described in subsection 2 of this section, the
21 member shall receive a temporary annuity equal to eight-tenths of one percent of the member's

22 final average pay multiplied by the member's years of credited service. The temporary annuity
23 and any cost-of-living adjustments attributable to the temporary annuity pursuant to section
24 104.1045 shall terminate at the end of the calendar month in which the earlier of the following
25 events occurs: the member's death or the member's attainment of the earliest age of eligibility
26 for reduced Social Security retirement benefits, but no later than age sixty-two.

27 5. The annuity described in subsection 2 of this section for any person who has credited
28 service not covered by the federal Social Security Act, as provided in sections 105.300 to
29 **[**105.445**]** **105.430**, shall be calculated as follows: the life annuity shall be an amount equal to
30 two and five-tenths percent of the final average pay of the member multiplied by the number of
31 years of service not covered by the federal Social Security Act in addition to one and
32 seven-tenths percent of the final average pay of the member multiplied by the member's years
33 of credited service covered by the federal Social Security Act.

34 6. Effective July 1, 2002, any member, except an elected official or a member of the
35 general assembly, who has not been paid retirement benefits and continues employment for at
36 least two years beyond the date of normal retirement eligibility, may elect to receive an annuity
37 and lump sum payment or payments, determined as follows:

38 (1) A retroactive starting date shall be established which shall be a date selected by the
39 member; provided, however, that the retroactive starting date selected by the member shall not
40 be a date which is earlier than the date when a normal annuity would have first been payable.
41 In addition, the retroactive starting date shall not be more than five years prior to the annuity
42 starting date. The member's selection of a retroactive starting date shall be done in twelve-month
43 increments, except this restriction shall not apply when the member selects the total available
44 time between the retroactive starting date and the annuity starting date;

45 (2) The prospective annuity payable as of the annuity starting date shall be determined
46 pursuant to the provisions of this section, with the exception that it shall be the amount which
47 would have been payable at the annuity starting date had the member actually retired on the
48 retroactive starting date under the retirement plan selected by the member. Other than for the
49 lump sum payment or payments specified in subdivision (3) of this subsection, no other amount
50 shall be due for the period between the retroactive starting date and the annuity starting date;

51 (3) The lump sum payable shall be ninety percent of the annuity amounts which would
52 have been paid to the member from the retroactive starting date to the annuity starting date had
53 the member actually retired on the retroactive starting date and received a life annuity. The
54 member shall elect to receive the lump sum amount either in its entirety at the same time as the
55 initial annuity payment is made or in three equal annual installments with the first payment made
56 at the same time as the initial annuity payment;

57 (4) Any annuity payable pursuant to this section that is subject to a division of benefit
58 order pursuant to section 104.1051 shall be calculated as follows:
59 (a) Any service of a member between the retroactive starting date and the annuity
60 starting date shall not be considered credited service except for purposes of calculating the
61 division of benefit; and
62 (b) The lump sum payment described in subdivision (3) of this section shall not be
63 subject to any division of benefit order; and
64 (5) For purposes of determining annual benefit increases payable as part of the lump sum
65 and annuity provided pursuant to this section, the retroactive starting date shall be considered the
66 member's date of retirement.
67
68 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO
69 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.300. When used in sections 105.300 to **[**105.440**] 105.430**, the following terms
2 mean:
3 (1) "Applicable federal law", those provisions of the federal law, including federal
4 regulations and requirements issued pursuant thereto which provide for the extension of the
5 benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.) to employees of states,
6 political subdivisions and their instrumentalities;
7 (2) "Employee", elective or appointive officers and employees of the state, including
8 members of the general assembly, and elective or appointive officers and employees of any
9 political subdivision of the state, including county officers remunerated wholly by fees from
10 sources other than county funds, or any instrumentality of either the state or such political
11 subdivisions; and employees of a group of two or more political subdivisions of the state
12 organized to perform common functions or services;
13 (3) "Employee tax", the tax imposed by section 1400 of the federal Internal Revenue
14 Code of 1939 and section 3101 of the federal Internal Revenue Code of 1954;
15 (4) "Employment", any service performed by any employee of the state or any of its
16 political subdivisions or any instrumentality of either of them, which may be covered, under
17 applicable federal law, in the agreement between the state and the **[**Secretary of Health,
18 Education and Welfare**] Commissioner of the Social Security Administration**, except services,
19 which in the absence of an agreement entered into under sections 105.300 to **[**105.440**] 105.430**
20 would constitute "employment" as defined in section 210 of the Social Security Act (42 U.S.C.A.
21 § 410); any services performed by an employee as a member of a coverage group, in positions
22 covered by a retirement system on the date such agreement is made applicable to such coverage
23 group, which retirement system is supported wholly or in part by the state or any of its

instrumentalities or political subdivisions, shall not be considered as "employment" within the meaning of sections 105.300 to **[**105.440**] 105.430**; however, service which under the Social Security Act may be included only upon certification by the governor in accordance with section 218(d)(3) of that act shall be included in the term "employment" if and when the governor issues, with respect to such service, a certificate to the **[**Secretary of Health, Education and Welfare pursuant to**] Commissioner of the Social Security Administration under** section 105.353;

(5) "Federal agency", any federal officer, department, or agency which is charged on behalf of the federal government with the particular federal function referred to in connection with such term;

(6) "Federal Insurance Contributions Act", subchapter A of chapter 9 of the federal Internal Revenue Code of 1939 and subchapters A and B of chapter 21 of the federal Internal Revenue Code of 1954, as such codes have been and may be amended;

(7) "Instrumentality", an instrumentality of a state or of one or more of its political subdivisions but only if such instrumentality is a juristic entity which is legally separate and distinct from the state or such political subdivision and whose employees are not by virtue of their relation to such juristic entity employees of the state or such subdivision;

(8) "Political subdivision", any county, township, municipal corporation, school district, or other governmental entity of equivalent rank;

(9) "Social Security Act", the act of Congress approved August 14, 1935, Title 42, Chapter 7, United States Code, officially cited as the "Social Security Act", (42 U.S.C.A. § 401, et seq.), as such act has been and may from time to time be amended;

(10) "State administrator", director, division of accounting, office of administration;

(11) "State agency", office of administration, division of accounting;

(12) "Wages", all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that the term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the federal Insurance Contributions Act, would not constitute "wages" within the meaning of that act.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.310. 1. The state agency, with the approval of the governor, shall enter into on behalf of the state an agreement with the **[**Secretary of Health and Human Services**] Commissioner of the Social Security Administration**, consistent with sections 105.300 to **[**105.440**] 105.430**, for the purpose of extending the benefits of the federal old age and survivors insurance system to employees of the state or of any of its political subdivisions, or of any

instrumentality of any one or more of them, with respect to services specified in such agreement, which constitute employment as defined in section 105.300. Such agreement may contain provisions relating to coverage, benefits, contributions, effective date, modifications and termination of the agreement, administration and other appropriate provisions, and except as otherwise required by the Social Security Act as to the services to be covered, such agreement shall provide that benefits will be granted to employees whose services are covered by the agreement, their dependents and survivors, on the same basis as though the services constituted employment within the meaning of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.).

2. A modification entered into after December 31, 1954, and prior to January 1, 1958, may be effective with respect to services performed after December 31, 1954, or after a later date specified in the modification.

3. All services which constitute employment as defined in section 105.300 and are performed in the employ of the state by employees of the state shall be covered by the agreement.

4. **[**All services shall be covered by the agreement which:

(1) Constitute employment as defined in section 105.300;

(2) Are performed in the employ of a political subdivision or in the employ of an instrumentality of either the state or a political subdivision; except services performed in the employ of any municipality in connection with its operation of a public transportation system as defined in section 210(1) of the Social Security Act (42 U.S.C.A. § 410); and there is hereby granted to the governing body of such municipality and the officers in charge of such transportation system such powers and authority as may be necessary to comply with the Social Security Act in extending the benefits of the federal old age and survivors insurance system to the employees of such public transportation system; and

(3) Are covered by a plan which is in conformity with the terms of the agreement approved by the state agency under section 105.350**]** **Services which constitute employment as defined in section 105.300 and Section 210 of the Social Security Act, 42 U.S.C. Section 410, and are performed in the employ of a political subdivision or instrumentality of the state may be covered as defined by the terms of the agreement**.

5. As modified the agreement shall include all services described in either subsection 3 or 4 of this section and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the **[**Secretary of Health and Human Services pursuant to**]** **Commissioner of the Social Security Administration under** section 105.353.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.330. Any instrumentality jointly created by this state and any other state or states is hereby authorized upon the granting of like authority by such other state or states:

(1) To enter into an agreement with the **[**Secretary of Health, Education and Welfare**]** **Commissioner of the Social Security Administration** whereby the benefits of the federal old age and survivors insurance system shall be extended to employees of such instrumentality;

(2) To require its employees to pay, and for that purpose deduct from their wages, contributions equal to the amounts which they would be required to pay under section 105.340, subsection 1, if they were covered by an agreement made pursuant to section 105.310;

(3) To make payments to the Secretary of the Treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement, to the extent practicable, shall be consistent with the provisions of sections 105.300 to **[**105.440**]** **105.430**.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.340. 1. Every employee of the state whose services are covered by an agreement entered into under section 105.310 shall be required to pay for the period of coverage to the trustee contributions with respect to wages equal to the amount of the employee tax which would be imposed by the Federal Insurance Contributions Act (26 U.S.C.A. § 1400). The liability shall arise in consideration of the employee's retention in the service, or his entry upon service after the passage of sections 105.300 to **[**105.440**]** **105.430**.

2. The contributions imposed by this section shall be collected by the trustee by deducting the amount of the contributions from wages paid, but failure to make the deductions shall not relieve the employee from liability for the contribution.

3. If more or less than the correct amount of the employee's contribution is paid or deducted with respect to any remuneration, proper adjustments or refund shall be made, without interest, in such manner and at such times as the state agency shall prescribe.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.350. 1. Each political subdivision of the state and each instrumentality of the state or of a political subdivision may submit for approval by the state agency a plan for extending the benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.) to its employees, and are hereby authorized to, by proper ordinance or resolution, enter into and ratify any such agreement upon its approval as aforesaid. Two or more political subdivisions or instrumentalities may form a joint plan if, in the absence of such joint plan, because of the

requirements of the agreement entered into pursuant to section 105.310, or because of any requirement imposed by federal law, any subdivision included in such unit would be unable to submit an approvable plan.

2. Each plan or any amendment thereof shall be approved by the state agency if it finds that such plan is in conformity with the requirements provided by the regulations of the state agency, except that no plan shall be approved unless:

(1) It is in conformity with the requirements of the applicable federal law and with the agreement entered into under section 105.310;

(2) It provides that all services which constitute employment as defined in section 105.300 and are performed in the employ of the political subdivision or instrumentality, or in the employ of any member of a joint coverage unit are covered by the plan;

(3) It specifies the source or sources from which the funds necessary to make the payments required by section 105.370 are to be derived and contains reasonable assurance that such sources will be adequate for such purpose;

(4) It provides for methods of administration of the plan by the political subdivision or instrumentality or members of the joint coverage unit as are found by the state agency to be necessary for the proper and efficient administration of the plan**[**;

(5) It provides that the political subdivision or instrumentality or members of the joint coverage unit shall make reports, in the form and containing such information as the state agency may from time to time require, and that it shall comply with all provisions which the state or federal agency may find necessary to assure the correctness and verification of such reports**]**.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.353. 1. Upon the request of the governing body of a **coverage group covered by a** retirement system, the governor shall authorize a referendum supervised by the office of administration, in accordance with the requirements of section 218(d)(3) of the Social Security Act, on the question of whether service in positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under sections 105.300 to **[**105.440**]** **105.430**. The notice required by section 218(d)(3)(C) of the Social Security Act to be given to employees shall contain or be accompanied by a statement, in such form and detail necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under sections 105.300 to **[**105.440. The public school retirement system of Missouri shall constitute a single retirement system and vote in a single referendum except that each state college and

13 teachers' college and the department of elementary and secondary education shall be treated as
14 a separate retirement system, shall vote in a separate referendum and shall determine its coverage
15 independently of action taken by any other entity**] 105.430**.
16 2. Upon receiving evidence satisfactory to him that with respect to any referendum the
17 conditions specified in section 218(d)(3) of the Social Security Act have been met, the governor
18 shall so certify to the **[**Secretary of Health, Education and Welfare**] Commissioner of the Social**
19 **Security Administration**.
20 3. In the event the employees in positions covered by the public school retirement system
21 of Missouri, except employees of any state college or state teachers' college, vote to be included
22 under an agreement under sections 105.300 to **[**105.440**] 105.430**, the employing political
23 subdivision, instrumentalities and the state shall enter into and execute an agreement with the
24 state agency for extending the benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401
25 et seq.) to their employees.
26
27 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO
28 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:
105.370. 1. Each political subdivision or instrumentality whose plan has been approved
2 under section 105.350 shall pay to the **[**trustee with respect to wages at such times as the state
3 agency may prescribe contributions in the amounts and at the rates specified in the agreement
4 entered into by the state agency**] Internal Revenue Service contributions, together with any**
5 **applicable interest and penalties, in the amounts and at the rates prescribed by federal law**.
6 2. Each political subdivision or instrumentality required to make payments under
7 sections 105.300 to **[**105.440**] 105.430** is authorized, in consideration of the employee's retention
8 in, or entry upon, employment after the passage of sections 105.300 to **[**105.440**] 105.430**, to
9 impose upon its employees, as to services which are covered by an approved plan, a contribution
10 with respect to wages, not exceeding the amount of the employee tax which would be imposed
11 by the Federal Insurance Contributions Act (26 U.S.C.A. § 1400) and to deduct the amount of
12 the contribution from the wages when paid. Contributions so collected shall be paid to the
13 **[**trustee**] Internal Revenue Service** in partial discharge of the liability of the political
14 subdivision or instrumentality. Failure to deduct the contribution shall not relieve the employee
15 or employer of liability therefor.
16
17 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO
18 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:
105.375. Any county officer who is compensated wholly by fees derived from sources
2 other than county or state moneys shall pay into the county treasury out of fees received by him

amounts equal to the contributions required to be paid by the county under section 105.370 and shall collect from all deputies, assistants and employees in his office and turn over to the officer or agent of the county charged with the payment thereof to the **[**state agency**]** **Internal Revenue Service** the amounts required to be collected and paid under section 105.370.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.400. The director of the division of accounting at such times as may be prescribed by federal law or regulation shall certify to the state treasurer the amount of the state's share of the contributions required to be paid to the federal agency on account of the officers and employees of each department, division, **or** agency **[**or unit of state government whose services are covered by an agreement entered into under section 105.310**]** **of the state**. Thereupon the state treasurer shall immediately transfer such amounts from the proper funds from which the officers and employees were paid to the "Contribution Fund" which is hereby created.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.420. There are hereby authorized to be appropriated to the trustee **[**in addition to the contributions paid into the account under sections 105.340 to 105.375, to be available for the purpose of subsections 4 and 5 of section 105.390, until expended, such additional**]** **such** sums as are found to be necessary in order to make the payments to the federal agency which the state is obligated to make pursuant to an agreement entered into under section 105.310.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.430. The state agency shall make and publish such rules and regulations, not inconsistent with the provisions of sections 105.300 to **[**105.440**]** **105.430**, as it finds necessary to the efficient administration of the provisions of sections 105.300 to **[**105.440**]** **105.430**.

EXPLANATION: REMOVES LANGUAGE REFERRING TO THE JOINT COMMITTEE ON ECONOMIC POLICY AND PLANNING WHICH WAS REPEALED IN 2014:

135.210. 1. Any governing authority which desires to have any portion of a city or unincorporated area of a county under its control designated as an enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation. The governing authority shall notify the director of such hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper

6 of general circulation in the area to be affected by such designation at least twenty days prior to
7 the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state
8 the time, location, date and purpose of the hearing. The director, or the director's designee, shall
9 attend such hearing.

10 2. After a public hearing is held as required in subsection 1 of this section, the governing
11 authority may file a petition with the department requesting the designation of a specific area as
12 an enterprise zone. Such petition shall include, in addition to a description of the physical,
13 social, and economic characteristics of the area:

14 (1) A plan to provide adequate police protection within the area;

15 (2) A specific and practical process for individual businesses to obtain waivers from
16 burdensome local regulations, ordinances, and orders which serve to discourage economic
17 development within the area to be designated an enterprise zone; except that, such waivers shall
18 not substantially endanger the health or safety of the employees of any such business or the
19 residents of the area;

20 (3) A description of what other specific actions will be taken to support and encourage
21 private investment within the area;

22 (4) A plan to ensure that resources are available to assist area residents to participate in
23 increased development through self-help efforts and in ameliorating any negative effects of
24 designation of the area as an enterprise zone;

25 (5) A statement describing the projected positive and negative effects of designation of
26 the area as an enterprise zone; and

27 (6) A specific plan to provide assistance to any person or business dislocated as a result
28 of activities within the zone. Such plan shall determine the need of dislocated persons for
29 relocation assistance; provide, prior to displacement, information about the type, location and
30 price of comparable housing or commercial property; provide information concerning state and
31 federal programs for relocation assistance and provide other advisory services to displaced
32 persons. Public agencies may choose to provide assistance under the Uniform Relocation and
33 Real Property Acquisition Act, 42 U.S.C. section 4601, et seq. to meet the requirements of this
34 subdivision.

35 3. [Notwithstanding the provisions of section 135.250, the director of the department of
36 economic development shall, prior to the designation of any enterprise zone, submit to the joint
37 committee on economic development policy and planning, established in section 620.602, rules
38 and regulations pertaining to the designation of enterprise zones. Following approval by the joint
39 committee, such rules and regulations shall be issued pursuant to the provisions of section
40 536.021. Upon approval of an enterprise zone designation by the department, the director shall
41 submit such enterprise zone designation to the joint committee for its approval. An enterprise

zone designation shall be effective upon such approval by the joint committee. The director shall report annually to the joint committee the number and location of all enterprise zones designated, together with the business activity within each designated enterprise zone.

4.] No more than fifty such areas may be designated by the director as an enterprise zone under the provisions of this subsection, except that any enterprise zones authorized apart from this subsection by specific legislative enactment, on or after August 28, 1991, shall not be counted toward the limitation set forth in this subsection. After fifty enterprise zones, plus any others authorized apart from this subsection by specific legislative enactment first designated on or after August 28, 1991, have been designated by the director, additional enterprise zones may be authorized apart from this subsection by specific legislative enactment, except that if an enterprise zone designation is cancelled under the provision of subsection **[**5**]** **4** of this section, the director may designate one area as an enterprise zone for each enterprise zone designation which is cancelled.

[5.**]** **4.** Each designated enterprise zone or satellite zone must report to the director on an annual basis regarding the status of the zone and business activity within the zone. On the fifth anniversary of the designation of each zone after August 8, 1989, and each five years thereafter, the director shall evaluate the activity which has occurred within the zone during the previous five-year period, including business investments and the creation of new jobs. **[**The director shall present the director's evaluation to the joint legislative committee on economic development policy and planning.**]** If the director finds that the plan outlined in the application for designation was not implemented in good faith, or if such zone no longer qualifies under the original criteria, or if the director finds that the zone is not being effectively promoted or developed, the director may recommend **[**to the committee**]** that the designation of that area as an enterprise zone be cancelled. All agreements negotiated under the benefits of such zone shall remain in effect for the originally agreed upon duration. The **[**committee**]** **director** shall schedule a hearing on such recommendation for not later than sixty days after the recommendation is filed with it. At the hearing, interested parties, including the director, may present witnesses and evidence as to why the enterprise zone designation for that particular area should be continued or cancelled. Within thirty days after the hearing**,** the **[**committee**]** **director** shall determine whether or not the designation should be continued. If it is not continued, the director shall remove the designation from the area and, following the procedures outlined in this section, award the designation of an enterprise zone to another applicant. If an area has requested a designated enterprise zone, and met all existing statutory requirements, but has not been designated such, then the applicant may appeal **[**to the joint legislative committee on economic development policy and planning**]** for a hearing to determine its eligibility for such a designation. **[**The review of the director's evaluation and the hearing thereon, and any appeal as provided for in this subsection, by the joint

78 legislative committee on economic development policy and planning shall be an additional duty
79 for that body.**]**
80
81 EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE
82 OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE
83 ORDER 13-03:

135.311. When applying for a tax credit the wood energy producer shall make
2 application for the credit to the division of energy of the department of **[**natural resources**]**
3 **economic development**. The application shall include:
4 (1) The number of tons of processed wood products produced during the preceding
5 calendar year;
6 (2) The name and address of the person to whom processed products were sold and the
7 number of tons sold to each person;
8 (3) Other information which the department of **[**natural resources**]** **economic**
9 **development** reasonably requires. The application shall be received and reviewed by the
10 division of energy of the department of **[**natural resources**]** **economic development** and the
11 division shall certify to the department of revenue each applicant which qualifies as a wood
12 energy-producing facility.
13
14 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE
15 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:
2 (1) "Average wage", the new payroll divided by the number of new jobs;
3 (2) "Blighted area", an area which, by reason of the predominance of defective or
4 inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,
5 improper subdivision or obsolete platting, or the existence of conditions which endanger life or
6 property by fire and other causes, or any combination of such factors, retards the provision of
7 housing accommodations or constitutes an economic or social liability or a menace to the public
8 health, safety, morals, or welfare in its present condition and use. The term "blighted area" shall
9 also include any area which produces or generates or has the potential to produce or generate
10 electrical energy from a renewable energy resource, and which, by reason of obsolescence,
11 decadence, blight, dilapidation, deteriorating or inadequate site improvements, substandard
12 conditions, the predominance or defective or inadequate street layout, unsanitary or unsafe
13 conditions, improper subdivision or obsolete platting, or the existence of conditions which
14 endanger the life or property by fire or other means, or any combination of such factors, is
15 underutilized, unutilized, or diminishes the economic usefulness of the land, improvements, or

16 lock and dam site within such area for the production, generation, conversion, and conveyance
17 of electrical energy from a renewable energy resource;
18 (3) "Board", an enhanced enterprise zone board established pursuant to section 135.957;
19 (4) "Commencement of commercial operations" shall be deemed to occur during the first
20 taxable year for which the new business facility is first put into use by the taxpayer in the
21 enhanced business enterprise in which the taxpayer intends to use the new business facility;
22 (5) "County average wage", the average wages in each county as determined by the
23 department for the most recently completed full calendar year. However, if the computed county
24 average wage is above the statewide average wage, the statewide average wage shall be deemed
25 the county average wage for such county for the purpose of determining eligibility. The
26 department shall publish the county average wage for each county at least annually.
27 Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in
28 conjunction with their project is relocating employees from a Missouri county with a higher
29 county average wage, such taxpayer shall obtain the endorsement of the governing body of the
30 community from which jobs are being relocated or the county average wage for their project shall
31 be the county average wage for the county from which the employees are being relocated;
32 (6) "Department", the department of economic development;
33 (7) "Director", the director of the department of economic development;
34 (8) "Employee", a person employed by the enhanced business enterprise that is scheduled
35 to work an average of at least one thousand hours per year, and such person at all times has
36 health insurance offered to him or her, which is partially paid for by the employer;
37 (9) "Enhanced business enterprise", an industry or one of a cluster of industries that is
38 either:
39 (a) Identified by the department as critical to the state's economic security and growth;
40 or
41 (b) Will have an impact on industry cluster development, as identified by the governing
42 authority in its application for designation of an enhanced enterprise zone and approved by the
43 department; but excluding gambling establishments (NAICS industry group 7132), retail trade
44 (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations
45 (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking
46 places (NAICS subsector 722), however, notwithstanding provisions of this section to the
47 contrary, headquarters or administrative offices of an otherwise excluded business may qualify
48 for benefits if the offices serve a multistate territory. In the event a national, state, or regional
49 headquarters operation is not the predominant activity of a project facility, the new jobs and
50 investment of such headquarters operation is considered eligible for benefits under this section

51 if the other requirements are satisfied. Service industries may be eligible only if a majority of
52 its annual revenues will be derived from out of the state;
53 (10) "Existing business facility", any facility in this state which was employed by the
54 taxpayer claiming the credit in the operation of an enhanced business enterprise immediately
55 prior to an expansion, acquisition, addition, or replacement;
56 (11) "Facility", any building used as an enhanced business enterprise located within an
57 enhanced enterprise zone, including the land on which the facility is located and all machinery,
58 equipment, and other real and depreciable tangible personal property acquired for use at and
59 located at or within such facility and used in connection with the operation of such facility;
60 (12) "Facility base employment", the greater of the number of employees located at the
61 facility on the date of the notice of intent, or for the twelve-month period prior to the date of the
62 notice of intent, the average number of employees located at the facility, or in the event the
63 project facility has not been in operation for a full twelve-month period, the average number of
64 employees for the number of months the facility has been in operation prior to the date of the
65 notice of intent;
66 (13) "Facility base payroll", the total amount of taxable wages paid by the enhanced
67 business enterprise to employees of the enhanced business enterprise located at the facility in the
68 twelve months prior to the notice of intent, not including the payroll of owners of the enhanced
69 business enterprise unless the enhanced business enterprise is participating in an employee stock
70 ownership plan. For the purposes of calculating the benefits under this program, the amount of
71 base payroll shall increase each year based on the consumer price index or other comparable
72 measure, as determined by the department;
73 (14) "Governing authority", the body holding primary legislative authority over a county
74 or incorporated municipality;
75 (15) "Megaproject", any manufacturing or assembling facility, approved by the
76 department for construction and operation within an enhanced enterprise zone, which satisfies
77 the following:
78 (a) The new capital investment is projected to exceed three hundred million dollars over
79 a period of eight years from the date of approval by the department;
80 (b) The number of new jobs is projected to exceed one thousand over a period of eight
81 years beginning on the date of approval by the department;
82 (c) The average wage of new jobs to be created shall exceed the county average wage;
83 (d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty
84 percent of such insurance premiums; and
85 (e) An acceptable plan of repayment, to the state, of the tax credits provided for the
86 megaproject has been provided by the taxpayer;

87 (16) "NAICS", the 1997 edition of the North American Industry Classification System
88 as prepared by the Executive Office of the President, Office of Management and Budget. Any
89 NAICS sector, subsector, industry group or industry identified in this section shall include its
90 corresponding classification in subsequent federal industry classification systems;
91 (17) "New business facility", a facility that does not produce or generate electrical energy
92 from a renewable energy resource and satisfies the following requirements:
93 (a) Such facility is employed by the taxpayer in the operation of an enhanced business
94 enterprise. Such facility shall not be considered a new business facility in the hands of the
95 taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person
96 or persons. If the taxpayer employs only a portion of such facility in the operation of an
97 enhanced business enterprise, and leases another portion of such facility to another person or
98 persons or does not otherwise use such other portions in the operation of an enhanced business
99 enterprise, the portion employed by the taxpayer in the operation of an enhanced business
100 enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c),
101 and (d) of this subdivision are satisfied;
102 (b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A
103 facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31,
104 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding
105 contract to transfer title to the taxpayer, or the commencement of the term of the lease to the
106 taxpayer occurs after December 31, 2004;
107 (c) If such facility was acquired by the taxpayer from another taxpayer and such facility
108 was employed immediately prior to the acquisition by another taxpayer in the operation of an
109 enhanced business enterprise, the operation of the same or a substantially similar enhanced
110 business enterprise is not continued by the taxpayer at such facility; and
111 (d) Such facility is not a replacement business facility, as defined in subdivision (27) of
112 this section;
113 (18) "New business facility employee", an employee of the taxpayer in the operation of
114 a new business facility during the taxable year for which the credit allowed by section 135.967
115 is claimed, except that truck drivers and rail and barge vehicle operators and other operators of
116 rolling stock for hire shall not constitute new business facility employees;
117 (19) "New business facility investment", the value of real and depreciable tangible
118 personal property, acquired by the taxpayer as part of the new business facility, which is used by
119 the taxpayer in the operation of the new business facility, during the taxable year for which the
120 credit allowed by 135.967 is claimed, except that trucks, truck-trailers, truck semitrailers, rail
121 vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges,

122 tunnels, and rail yards and spurs shall not constitute new business facility investments. The total
123 value of such property during such taxable year shall be:
124 (a) Its original cost if owned by the taxpayer; or
125 (b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental
126 rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the
127 taxpayer from subrentals. The new business facility investment shall be determined by dividing
128 by twelve the sum of the total value of such property on the last business day of each calendar
129 month of the taxable year. If the new business facility is in operation for less than an entire
130 taxable year, the new business facility investment shall be determined by dividing the sum of the
131 total value of such property on the last business day of each full calendar month during the
132 portion of such taxable year during which the new business facility was in operation by the
133 number of full calendar months during such period;
134 (20) "New job", the number of employees located at the facility that exceeds the facility
135 base employment less any decrease in the number of the employees at related facilities below the
136 related facility base employment. No job that was created prior to the date of the notice of intent
137 shall be deemed a new job;
138 (21) "Notice of intent", a form developed by the department which is completed by the
139 enhanced business enterprise and submitted to the department which states the enhanced
140 business enterprise's intent to hire new jobs and request benefits under such program;
141 (22) "Related facility", a facility operated by the enhanced business enterprise or a
142 related company in this state that is directly related to the operation of the project facility;
143 (23) "Related facility base employment", the greater of:
144 (a) The number of employees located at all related facilities on the date of the notice of
145 intent; or
146 (b) For the twelve-month period prior to the date of the notice of intent, the average
147 number of employees located at all related facilities of the enhanced business enterprise or a
148 related company located in this state;
149 (24) "Related taxpayer":
150 (a) A corporation, partnership, trust, or association controlled by the taxpayer;
151 (b) An individual, corporation, partnership, trust, or association in control of the
152 taxpayer; or
153 (c) A corporation, partnership, trust or association controlled by an individual,
154 corporation, partnership, trust or association in control of the taxpayer. "Control of a
155 corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty
156 percent of the total combined voting power of all classes of stock entitled to vote, "control of a
157 partnership or association" shall mean ownership of at least fifty percent of the capital or profits

158 interest in such partnership or association, and "control of a trust" shall mean ownership, directly
159 or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such
160 trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code
161 of 1986, as amended;
162 (25) "Renewable energy generation zone", an area which has been found, by a resolution
163 or ordinance adopted by the governing authority having jurisdiction of such area, to be a blighted
164 area and which contains land, improvements, or a lock and dam site which is unutilized or
165 underutilized for the production, generation, conversion, and conveyance of electrical energy
166 from a renewable energy resource;
167 (26) "Renewable energy resource", shall include:
168 (a) Wind;
169 (b) Solar thermal sources or photovoltaic cells and panels;
170 (c) Dedicated crops grown for energy production;
171 (d) Cellulosic agricultural residues;
172 (e) Plant residues;
173 (f) Methane from landfills, agricultural operations, or wastewater treatment;
174 (g) Thermal depolymerization or pyrolysis for converting waste material to energy;
175 (h) Clean and untreated wood such as pallets;
176 (i) Hydroelectric power, which shall include electrical energy produced or generated by
177 hydroelectric power generating equipment, as such term is defined in section 137.010;
178 (j) Fuel cells using hydrogen produced by one or more of the renewable resources
179 provided in paragraphs (a) to (i) of this subdivision; or
180 (k) Any other sources of energy, not including nuclear energy, that are certified as
181 renewable by rule by the department of **[**natural resources**] economic development**;
182 (27) "Replacement business facility", a facility otherwise described in subdivision (17)
183 of this section, hereafter referred to in this subdivision as "new facility", which replaces another
184 facility, hereafter referred to in this subdivision as "old facility", located within the state, which
185 the taxpayer or a related taxpayer previously operated but discontinued operating on or before
186 the close of the first taxable year for which the credit allowed by this section is claimed. A new
187 facility shall be deemed to replace an old facility if the following conditions are met:
188 (a) The old facility was operated by the taxpayer or a related taxpayer during the
189 taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which
190 commencement of commercial operations occurs at the new facility; and
191 (b) The old facility was employed by the taxpayer or a related taxpayer in the operation
192 of an enhanced business enterprise and the taxpayer continues the operation of the same or
193 substantially similar enhanced business enterprise at the new facility. Notwithstanding the

194 preceding provisions of this subdivision, a facility shall not be considered a replacement business
195 facility if the taxpayer's new business facility investment, as computed in subdivision (19) of this
196 section, in the new facility during the tax period for which the credits allowed in section 135.967
197 are claimed exceed one million dollars and if the total number of employees at the new facility
198 exceeds the total number of employees at the old facility by at least two;
199 (28) "Same or substantially similar enhanced business enterprise", an enhanced business
200 enterprise in which the nature of the products produced or sold, or activities conducted, are
201 similar in character and use or are produced, sold, performed, or conducted in the same or similar
202 manner as in another enhanced business enterprise.
203
204 EXPLANATION: AN INACCURATE INTERSECTIONAL REFERENCE CREATED IN 2012
205 IS CHANGED:

141.540. 1. In any county at a certain front door of whose courthouse sales of real estate
2 are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell
3 the respective parcels of real estate ordered sold by him or her pursuant to any judgment of
4 foreclosure by any court pursuant to sections 141.210 to 141.810 **and 141.980 to 141.1015** at
5 any of such courthouses, but the sale of such parcels of real estate shall be held at the same front
6 door as sales of real estate are customarily made by the sheriff under execution.
7 2. Such advertisements may include more than one parcel of real estate, and shall be in
8 substantially the following form:
9 NOTICE OF SHERIFF'S SALE
10 UNDER JUDGMENT OF
11 FORECLOSURE OF LIENS FOR
12 DELINQUENT LAND TAXES
13 No. . . . . .
14 In the Circuit Court of . . . . . .
15 County, Missouri.
16 In the Matter of Foreclosure of Liens
17 for Delinquent Land Taxes
18 Collector of Revenue of . . . . . .
19 County, Missouri,
20
21 Plaintiff,
22 vs.
23 Parcels of Land encumbered with
24 Delinquent Tax Liens,

Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the description thereof, the name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

NOW, THEREFORE,

Public Notice is hereby given that I . . . . . ., Sheriff of . . . . . County, Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the . . . . . front door of the . . . . . County Courthouse in . . . . . ., Missouri, on . . . . . ., the . . . . . day of . . . . . ., 20.., and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of . . . . . (insert name of County), Missouri or Land Bank of the City of . . . . . (insert name of municipality), Missouri.

Any bid received shall be subject to confirmation by the court.

. . . . . .

Sheriff of . . . . . .

County, Missouri

. . . . . .

Delinquent Land Tax Attorney

Address: . . . . . .

First Publication . . . . . ., 20. . .

3. Such advertisement shall be published four times, once a week, upon the same day of each week during successive weeks prior to the date of such sale, in a daily newspaper of general circulation regularly published in the county, qualified according to law for the publication of public notices and advertisements.

4. In addition to the provisions herein for notice and advertisement of sale, the county collector shall enter upon the property subject to foreclosure of these tax liens and post a written informational notice in any conspicuous location thereon. This notice shall describe the property and advise that it is the subject of delinquent land tax collection proceedings before the circuit court brought pursuant to sections 141.210 to 141.810 **and 141.980 to 141.1015** and that it may

61 be sold for the payment of delinquent taxes at a sale to be held at ten o'clock a.m., date and place,
62 and shall also contain a file number and the address and phone number of the collector. If the
63 collector chooses to post such notices as authorized by this subsection, such posting must be
64 made not later than the fourteenth day prior to the date of the sale.

65 5. The collector shall, concurrently with the beginning of the publication of sale, cause
66 to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief
67 notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to
68 sections 141.210 to 141.810 **and 141.980 to 141.1015**, to the persons named in the petition as
69 being the last known persons in whose names tax bills affecting the respective parcels of real
70 estate described in said petition were last billed or charged on the books of the collector, or the
71 last known owner of record, if different, and to the addresses of said persons upon said records
72 of the collector. The terms "restricted", "registered" or "certified mail" as used in this section
73 mean mail which carries on the face thereof in a conspicuous place, where it will not be
74 obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires
75 a return receipt or a statement by the postal authorities that the addressee refused to receive and
76 receipt for such mail. If the notice is returned to the collector by the postal authorities as
77 undeliverable for reasons other than the refusal by the addressee to receive and receipt for the
78 notice as shown by the return receipt, then the collector shall make a search of the records
79 maintained by the county, including those kept by the recorder of deeds, to discern the name and
80 address of any person who, from such records, appears as a successor to the person to whom the
81 original notice was addressed, and to cause another notice to be mailed to such person. The
82 collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit
83 reciting to the court any name, address and serial number of the tract of real estate affected of any
84 such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt
85 for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name
86 or address does not appear on the records of the collector, then of that fact. The affidavit in
87 addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

88 6. The collector may, at his or her option, concurrently with the beginning of the
89 publication of sale, cause to be prepared and sent by restricted, registered or certified mail with
90 postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure
91 of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if
92 known, of the respective parcels of real estate described in said petition, and to the addressee of
93 such mortgagee or security holder according to the records of the collector. The terms
94 "restricted", "registered" or "certified mail" as used in this section mean mail which carries on
95 the face thereof in a conspicuous place, where it will not be obliterated, the endorsement,
96 "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement

by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any security holder who, from such records, appears as a successor to the security holder to whom the original notice was addressed, and to cause another notice to be mailed to such security holder. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected by any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, and stating the reason for the nondelivery of such notice.

EXPLANATION: BASED ON A 2008 COURT DECISION, THE INTERSECTIONAL REFERENCE IN SUBSECTION 1 OF THIS SECTION IS INACCURATE:

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**]** **32.068** 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**]** **32.068** 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:

20 (1) If a return for any period ending with or within a calendar year is filed before April
21 fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of
22 such succeeding calendar year; and
23 (2) If a tax with respect to remuneration paid during any period ending with or within
24 a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be
25 considered paid on April fifteenth of such succeeding calendar year.
26 4. If any overpayment of tax imposed by sections 143.061 and 143.071 is refunded
27 within four months after the last date prescribed (or permitted by extension of time) for filing the
28 return of such tax or within four months after the return was filed, whichever is later, no interest
29 shall be allowed under this section on overpayment.
30 5. If any overpayment of tax imposed by sections 143.011 and 143.041 is refunded
31 within forty-five days after the date the return or claim is filed, no interest shall be allowed under
32 this section on overpayment.
33 6. Any overpayment resulting from a carryback, including a net operating loss and a
34 corporate capital loss, shall be deemed not to have been made prior to the close of the taxable
35 year in which the loss arises.
36 7. Any overpayment resulting from a carryback of a tax credit, including but not limited
37 to the tax credits provided in sections 253.557 and 348.432, shall be deemed not to have been
38 made prior to the close of the taxable year in which the tax credit was authorized.
39
40 EXPLANATION: SUBDIVISION (4) OF SUBSECTION 2 IS MOVED TO SUBDIVISION
41 (44) OF SUBSECTION 2 TO PREVENT NUMEROUS DEPARTMENT OF REVENUE
42 FORMS FROM BECOMING OBSOLETE:
144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.
9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and
13 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;
26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;
35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;
38 (4) **[**Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers
39 pulled by such motor vehicles, that are actually used in the normal course of business to haul
40 property on the public highways of the state, and that are capable of hauling loads commensurate
41 with the motor vehicle's registered weight; and the materials, replacement parts, and equipment
42 purchased for use directly upon, and for the repair and maintenance or manufacture of such
43 vehicles. For purposes of this subdivision, "motor vehicle" and "public highway" shall have the
44 meaning as ascribed in section 390.020;
45 (5)**]** Replacement machinery, equipment, and parts and the materials and supplies solely
46 required for the installation or construction of such replacement machinery, equipment, and
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
49 the materials and supplies required solely for the operation, installation or construction of such

50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material
52 recovery processing plant" means a facility that has as its primary purpose the recovery of
53 materials into a usable product or a different form which is used in producing a new product and
54 shall include a facility or equipment which are used exclusively for the collection of recovered
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials
58 within a manufacturing process or the use of a product previously recovered. The material
59 recovery processing plant shall qualify under the provisions of this section regardless of
60 ownership of the material being recovered;

61 **[**(6)**] (5)** Machinery and equipment, and parts and the materials and supplies solely
62 required for the installation or construction of such machinery and equipment, purchased and
63 used to establish new or to expand existing manufacturing, mining or fabricating plants in the
64 state if such machinery and equipment is used directly in manufacturing, mining or fabricating
65 a product which is intended to be sold ultimately for final use or consumption;

66 **[**(7)**] (6)** Tangible personal property which is used exclusively in the manufacturing,
67 processing, modification or assembling of products sold to the United States government or to
68 any agency of the United States government;

69 **[**(8)**] (7)** Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70 **[**(9)**] (8)** Newsprint, ink, computers, photosensitive paper and film, toner, printing plates
71 and other machinery, equipment, replacement parts and supplies used in producing newspapers
72 published for dissemination of news to the general public;

73 **[**(10)**] (9)** The rentals of films, records or any type of sound or picture transcriptions for
74 public commercial display;

75 **[**(11)**] (10)** Pumping machinery and equipment used to propel products delivered by
76 pipelines engaged as common carriers;

77 **[**(12)**] (11)** Railroad rolling stock for use in transporting persons or property in interstate
78 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
79 more or trailers used by common carriers, as defined in section 390.020, in the transportation of
80 persons or property;

81 **[**(13)**] (12)** Electrical energy used in the actual primary manufacture, processing,
82 compounding, mining or producing of a product, or electrical energy used in the actual secondary
83 processing or fabricating of the product, or a material recovery processing plant as defined in
84 subdivision **[**(5)**] (4)** of this subsection, in facilities owned or leased by the taxpayer, if the total
85 cost of electrical energy so used exceeds ten percent of the total cost of production, either

86 primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials
87 used in such processing contain at least twenty-five percent recovered materials as defined in
88 section 260.200. There shall be a rebuttable presumption that the raw materials used in the
89 primary manufacture of automobiles contain at least twenty-five percent recovered materials.
90 For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts
91 performed upon materials to transform and reduce them to a different state or thing, including
92 treatment necessary to maintain or preserve such processing by the producer at the production
93 facility;

94 **[**(14)**]** **(13)** Anodes which are used or consumed in manufacturing, processing,
95 compounding, mining, producing or fabricating and which have a useful life of less than one
96 year;

97 **[**(15)**]** **(14)** Machinery, equipment, appliances and devices purchased or leased and used
98 solely for the purpose of preventing, abating or monitoring air pollution, and materials and
99 supplies solely required for the installation, construction or reconstruction of such machinery,
100 equipment, appliances and devices;

101 **[**(16)**]** **(15)** Machinery, equipment, appliances and devices purchased or leased and used
102 solely for the purpose of preventing, abating or monitoring water pollution, and materials and
103 supplies solely required for the installation, construction or reconstruction of such machinery,
104 equipment, appliances and devices;

105 **[**(17)**]** **(16)** Tangible personal property purchased by a rural water district;

106 **[**(18)**]** **(17)** All amounts paid or charged for admission or participation or other fees paid
107 by or other charges to individuals in or for any place of amusement, entertainment or recreation,
108 games or athletic events, including museums, fairs, zoos and planetariums, owned or operated
109 by a municipality or other political subdivision where all the proceeds derived therefrom benefit
110 the municipality or other political subdivision and do not inure to any private person, firm, or
111 corporation, provided, however, that a municipality or other political subdivision may enter into
112 revenue-sharing agreements with private persons, firms, or corporations providing goods or
113 services, including management services, in or for the place of amusement, entertainment or
114 recreation, games or athletic events, and provided further that nothing in this subdivision shall
115 exempt from tax any amounts retained by any private person, firm, or corporation under such
116 revenue-sharing agreement;

117 **[**(19)**]** **(18)** All sales of insulin and prosthetic or orthopedic devices as defined on January
118 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
119 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
120 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
121 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to

122 administer those items, including samples and materials used to manufacture samples which may
123 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of
124 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and
125 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille
126 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
127 one or more physical or mental disabilities to enable them to function more independently, all
128 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic
129 alternative and augmentative communication devices, and items used solely to modify motor
130 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of
131 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by
132 the Food and Drug Administration to meet the over-the-counter drug product labeling
133 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
134 licensed to prescribe;

135 **[**(20)**] (19)** All sales made by or to religious and charitable organizations and institutions
136 in their religious, charitable or educational functions and activities and all sales made by or to
137 all elementary and secondary schools operated at public expense in their educational functions
138 and activities;

139 **[**(21)**] (20)** All sales of aircraft to common carriers for storage or for use in interstate
140 commerce and all sales made by or to not-for-profit civic, social, service or fraternal
141 organizations, including fraternal organizations which have been declared tax-exempt
142 organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as
143 amended, in their civic or charitable functions and activities and all sales made to eleemosynary
144 and penal institutions and industries of the state, and all sales made to any private not-for-profit
145 institution of higher education not otherwise excluded pursuant to subdivision **[**(20)**] (19)** of this
146 subsection or any institution of higher education supported by public funds, and all sales made
147 to a state relief agency in the exercise of relief functions and activities;

148 **[**(22)**] (21)** All ticket sales made by benevolent, scientific and educational associations
149 which are formed to foster, encourage, and promote progress and improvement in the science of
150 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
151 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
152 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
153 fair conducted by a county agricultural and mechanical society organized and operated pursuant
154 to sections 262.290 to 262.530;

155 **[**(23)**] (22)** All sales made to any private not-for-profit elementary or secondary school,
156 all sales of feed additives, medications or vaccines administered to livestock or poultry in the
157 production of food or fiber, all sales of pesticides used in the production of crops, livestock or

158 poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for
159 food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for
160 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel
161 ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible
162 new generation cooperative or an eligible new generation processing entity as defined in section
163 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
164 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
165 additives" means tangible personal property which, when mixed with feed for livestock or
166 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term
167 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted
168 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark
169 the application of pesticides and herbicides for the production of crops, livestock or poultry. As
170 used in this subdivision, the term "farm machinery and equipment" means new or used farm
171 tractors and such other new or used farm machinery and equipment and repair or replacement
172 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary
173 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,
174 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,
175 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and
176 one-half of each purchaser's purchase of diesel fuel therefor which is:
177 (a) Used exclusively for agricultural purposes;
178 (b) Used on land owned or leased for the purpose of producing farm products; and
179 (c) Used directly in producing farm products to be sold ultimately in processed form or
180 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
181 ultimately in processed form at retail;
182 **[**(24)**]** **(23)** Except as otherwise provided in section 144.032, all sales of metered water
183 service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home
184 heating oil for domestic use and in any city not within a county, all sales of metered or unmetered
185 water service for domestic use:
186 (a) "Domestic use" means that portion of metered water service, electricity, electrical
187 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
188 within a county, metered or unmetered water service, which an individual occupant of a
189 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
190 service through a single or master meter for residential apartments or condominiums, including
191 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
192 Each seller shall establish and maintain a system whereby individual purchases are determined
193 as exempt or nonexempt;

194 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
195 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
196 with and approved by the Missouri public service commission. Sales and purchases made
197 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
198 of the occupants of residential apartments or condominiums through a single or master meter,
199 including service for common areas and facilities and vacant units, shall be considered as sales
200 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
201 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
202 service rate classification and the provision of service thereunder shall be conclusive as to
203 whether or not the utility must charge sales tax;
204 (c) Each person making domestic use purchases of services or property and who uses any
205 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
206 of the fourth month following the year of purchase, and without assessment, notice or demand,
207 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
208 nondomestic purchases of services or property and who uses any portion of the services or
209 property so purchased for domestic use, and each person making domestic purchases on behalf
210 of occupants of residential apartments or condominiums through a single or master meter,
211 including service for common areas and facilities and vacant units, under a nonresidential utility
212 service rate classification may, between the first day of the first month and the fifteenth day of
213 the fourth month following the year of purchase, apply for credit or refund to the director of
214 revenue and the director shall give credit or make refund for taxes paid on the domestic use
215 portion of the purchase. The person making such purchases on behalf of occupants of residential
216 apartments or condominiums shall have standing to apply to the director of revenue for such
217 credit or refund;
218 **[**(25)**]** **(24)** All sales of handicraft items made by the seller or the seller's spouse if the
219 seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from
220 such sales do not constitute a majority of the annual gross income of the seller;
221 **[**(26)**]** **(25)** Excise taxes, collected on sales at retail, imposed by Sections 4041, **[**4061,**]**
222 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The
223 director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local
224 sales taxes on such excise taxes;
225 **[**(27)**]** **(26)** Sales of fuel consumed or used in the operation of ships, barges, or
226 waterborne vessels which are used primarily in or for the transportation of property or cargo, or
227 the conveyance of persons for hire, on navigable rivers bordering on or located in part in this
228 state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel
229 while it is afloat upon such river;

230 **[**(28)**] (27)** All sales made to an interstate compact agency created pursuant to sections
231 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities
232 of such agency as provided pursuant to the compact;
233 **[**(29)**] (28)** Computers, computer software and computer security systems purchased for
234 use by architectural or engineering firms headquartered in this state. For the purposes of this
235 subdivision, "headquartered in this state" means the office for the administrative management
236 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;
237 **[**(30)**] (29)** All livestock sales when either the seller is engaged in the growing, producing
238 or feeding of such livestock, or the seller is engaged in the business of buying and selling,
239 bartering or leasing of such livestock;
240 **[**(31)**] (30)** All sales of barges which are to be used primarily in the transportation of
241 property or cargo on interstate waterways;
242 **[**(32)**] (31)** Electrical energy or gas, whether natural, artificial or propane, water, or other
243 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
244 products or in any material recovery processing plant as defined in subdivision **[**(5)**] (4)** of this
245 subsection;
246 **[**(33)**] (32)** Notwithstanding other provisions of law to the contrary, all sales of pesticides
247 or herbicides used in the production of crops, aquaculture, livestock or poultry;
248 **[**(34)**] (33)** Tangible personal property and utilities purchased for use or consumption
249 directly or exclusively in the research and development of agricultural/biotechnology and plant
250 genomics products and prescription pharmaceuticals consumed by humans or animals;
251 **[**(35)**] (34)** All sales of grain bins for storage of grain for resale;
252 **[**(36)**] (35)** All sales of feed which are developed for and used in the feeding of pets
253 owned by a commercial breeder when such sales are made to a commercial breeder, as defined
254 in section 273.325, and licensed pursuant to sections 273.325 to 273.357;
255 **[**(37)**] (36)** All purchases by a contractor on behalf of an entity located in another state,
256 provided that the entity is authorized to issue a certificate of exemption for purchases to a
257 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
258 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
259 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
260 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
261 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
262 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
263 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
264 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
265 of use of the invalid exemption certificate. Materials shall be exempt from all state and local

266 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
267 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
268 or remodeling facilities for the following:
269 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
270 project exemption certificates in accordance with the provisions of section 144.062; or
271 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
272 an exemption certificate to contractors in accordance with the provisions of that state's law and
273 the applicable provisions of this section;
274 **[**(38)**] (37)** All sales or other transfers of tangible personal property to a lessor who leases
275 the property under a lease of one year or longer executed or in effect at the time of the sale or
276 other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or
277 sections 238.010 to 238.100;
278 **[**(39)**] (38)** Sales of tickets to any collegiate athletic championship event that is held in
279 a facility owned or operated by a governmental authority or commission, a quasi-governmental
280 agency, a state university or college or by the state or any political subdivision thereof, including
281 a municipality, and that is played on a neutral site and may reasonably be played at a site located
282 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
283 is not located on the campus of a conference member institution participating in the event;
284 **[**(40)**] (39)** All purchases by a sports complex authority created under section 64.920, and
285 all sales of utilities by such authority at the authority's cost that are consumed in connection with
286 the operation of a sports complex leased to a professional sports team;
287 **[**(41)**] (40)** All materials, replacement parts, and equipment purchased for use directly
288 upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power
289 plants, and aircraft accessories;
290 **[**(42)**] (41)** Sales of sporting clays, wobble, skeet, and trap targets to any shooting range
291 or similar places of business for use in the normal course of business and money received by a
292 shooting range or similar places of business from patrons and held by a shooting range or similar
293 place of business for redistribution to patrons at the conclusion of a shooting event;
294 **[**(43)**] (42)** All sales of motor fuel, as defined in section 142.800, used in any watercraft,
295 as defined in section 306.010;
296 **[**(44)**] (43)** Any new or used aircraft sold or delivered in this state to a person who is not
297 a resident of this state or a corporation that is not incorporated in this state, and such aircraft is
298 not to be based in this state and shall not remain in this state more than ten business days
299 subsequent to the last to occur of:
300 (a) The transfer of title to the aircraft to a person who is not a resident of this state or a
301 corporation that is not incorporated in this state; or

302 (b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for
303 any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that
304 are completed contemporaneously with the transfer of title to the aircraft to a person who is not
305 a resident of this state or a corporation that is not incorporated in this state**;**

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

313 3. Any ruling, agreement, or contract, whether written or oral, express or implied,
314 between a person and this state's executive branch, or any other state agency or department,
315 stating, agreeing, or ruling that such person is not required to collect sales and use tax in this
316 state despite the presence of a warehouse, distribution center, or fulfillment center in this state
317 that is owned or operated by the person or an affiliated person shall be null and void unless it is
318 specifically approved by a majority vote of each of the houses of the general assembly. For
319 purposes of this subsection, an "affiliated person" means any person that is a member of the same
320 controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of
321 1986, as amended, as the vendor or any other entity that, notwithstanding its form of
322 organization, bears the same ownership relationship to the vendor as a corporation that is a
323 member of the same controlled group of corporations as defined in Section 1563(a) of the
324 Internal Revenue Code, as amended.
325
326 EXPLANATION: AN INACCURATE INTERSECTIONAL REFERENCE ENACTED IN
327 2015 IS CHANGED AND THE LANGUAGE FOR A CERTAIN DEFINED TERM IS
328 CHANGED TO BE CONSISTENT WITH ITS DEFINITION:

144.810. 1. As used in this section, unless the context clearly indicates otherwise, the
2 following terms mean:

3 (1) "Commencement of commercial operations", shall be deemed to occur during the
4 first calendar year for which the data storage center is first available for use by the operating
5 taxpayer, or first capable of being used by the operating taxpayer, as a data storage center;

6 (2) "Constructing taxpayer", if more than one taxpayer is responsible for a project, the
7 taxpayer responsible for the construction of the facility, as opposed to the taxpayer responsible
8 for the ongoing operations of the facility;

9 (3) "County average wage", the average wages in each county as determined by the
10 department **of economic development** for the most recently completed full calendar year.
11 However, if the computed county average wage is above the statewide average wage, the
12 statewide average wage shall be deemed the county average wage for such county for the purpose
13 of determining eligibility;
14 (4) "Data storage center" or "facility", a facility constructed, extended, improved, or
15 operating under this section, provided that such business facility is engaged primarily in:
16 (a) Data processing, hosting, and related services (NAICS 518210); or
17 (b) Internet publishing and broadcasting and web search portals (NAICS 519130) at the
18 business facility;
19 (5) "Existing facility", an operational data storage center in this state as it existed prior
20 to August 28, 2015, as determined by the department;
21 (6) "Expanding facility" or "expanding data storage center", an existing facility or
22 replacement facility that expands its operations in this state on or after August 28, 2015, and has
23 net new investment related to the expansion of operations in this state of at least five million
24 dollars during a period of up to twelve consecutive months and results in the creation of at least
25 five new jobs during a period of up to twenty-four consecutive months from the date of
26 conditional approval for an exemption under this section, if the average wage of the new jobs
27 equals or exceeds one hundred fifty percent of the county average wage. An expanding facility
28 shall continue to be an expanding facility regardless of a subsequent change in or addition of
29 operating taxpayers or constructing taxpayers;
30 (7) "Expanding facility project" or "expanding data storage center project", the
31 construction, extension, improvement, equipping, and operation of an expanding facility;
32 (8) "Investment", shall include the value of real and depreciable personal property,
33 acquired as part of the new or expanding facility project which is used in the operation of the
34 facility following conditional approval of an exemption under this section;
35 (9) "NAICS", the 2007 edition of the North American Industry Classification System as
36 prepared by the Executive Office of the President, Office of Management and Budget. Any
37 NAICS sector, subsector, industry group, or industry identified in this section shall include its
38 corresponding classification in previous and subsequent federal industry classification systems;
39 (10) "New data storage center project" or "new facility project", the construction,
40 extension, improvement, equipping, and operation of a new facility;
41 (11) "New facility" or "new data storage center", a facility in this state meeting the
42 following requirements:
43 (a) The facility is acquired by or leased to an operating taxpayer on or after August 28,
44 2015. A facility shall be deemed to have been acquired by or leased to an operating taxpayer on

or after August 28, 2015, if the transfer of title to an operating taxpayer, the transfer of possession under a binding contract to transfer title to an operating taxpayer, or an operating taxpayer takes possession of the facility under the terms of the lease on or after August 28, 2015, or if the facility is constructed, erected, or installed by or on behalf of an operating taxpayer, such construction, erection, or installation is completed on or after August 28, 2015;

(b) Such facility is not an expanding or replacement facility, as defined in this section;

(c) The new facility project investment is at least twenty-five million dollars during a period of up to thirty-six consecutive months from the date of the conditional approval for an exemption under this section. If more than one taxpayer is responsible for a project, the investment requirement may be met by an operating taxpayer, a constructing taxpayer, or a combination of constructing taxpayers and operating taxpayers; and

(d) At least ten new jobs are created at the new facility during a period of up to thirty-six consecutive months from the date of conditional approval for an exemption under this section if the average wage of the new jobs equals or exceeds one hundred fifty percent of the county average wage;

Any facility which was acquired by an operating or constructing taxpayer from another person or persons on or after August 28, 2015, and such facility was employed prior to August 28, 2015, by any other person or persons in the operation of a data storage center shall not be considered a new facility. A new facility shall continue to be a new facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(12) "New job", in the case of a new data **storage** center project, the total number of full-time employees located at a new data storage center for a period of up to thirty-six consecutive months from the date of conditional approval for an exemption under this section. In the case of an expanding data storage center project, the total number of full-time employees located at the expanding data storage center that exceeds the greater of the number of full-time employees located at the project facility on the date of the submission of a project plan under this section or for the twelve-month period prior to the date of the submission of a project plan, the average number of full-time employees located at the expanding data storage center facility. In the event the expanding data storage center facility has not been in operation for a full twelve-month period at the time of the submission of a project plan, the total number of full-time employees located at the expanded data storage center that exceeds the greater of the number of full-time employees located at the project facility on the date of the submission of a project plan under this section or the average number of full-time employees for the number of months the expanding data storage center facility has been in operation prior to the date of the submission of the project plan;

(13) "Notice of intent", a form developed by the department of economic development, completed by the project taxpayer, and submitted to the department, which states the project taxpayer's intent to construct or expand a data center and request the exemptions under this program;

(14) "Operating taxpayer", if more than one taxpayer is responsible for a project, the taxpayer responsible for the ongoing operations of the facility, as opposed to the taxpayer responsible for the purchasing or construction of the facility;

(15) "Project taxpayers", each constructing taxpayer and each operating taxpayer for a data storage center project;

(16) "Replacement facility", a facility in this state otherwise described in subdivision **[**(7)**] (6)** of this subsection, but which replaces another facility located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating within one year prior to the commencement of commercial operations at the new facility;

(17) "Taxpayer", the purchaser of tangible personal property or a service that is subject to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from the purchaser.

2. In addition to the exemptions granted under this chapter, project taxpayers for a new data storage center project shall be entitled, for a project period not to exceed fifteen years from the date of conditional approval under this section and subject to the requirements of subsection 3 of this section, to an exemption of one hundred percent of the state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, limited to the net fiscal benefit of the state calculated over a ten-year period, on:

(1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in a new data storage center;

(2) All machinery, equipment, and computers used in any new data storage center; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing any new data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development using the Regional Economic Modeling, Inc., data set.

3. (1) Any data storage center project seeking a tax exemption under subsection 2 of this section shall submit a notice of intent and a project plan to the department of economic development, which shall identify each known constructing taxpayer and known operating taxpayer for the project and include any additional information the department of economic

117 development may require to determine eligibility for the exemption. The department of
118 economic development shall review the project plan and determine whether the project is eligible
119 for the exemption under subsection 2 of this section, conditional upon subsequent verification
120 by the department that the project meets the requirements in subsection 1 of this section for a
121 new facility project. The department shall make such conditional determination within thirty
122 days of submission by the operating taxpayer. Failure of the department to respond within thirty
123 days shall result in a project plan being deemed conditionally approved.

124 (2) The department of economic development shall convey conditional approvals to the
125 department of revenue and the identified project taxpayers. After a conditionally approved new
126 facility has met the requirements in subsection 1 of this section for a new facility and the
127 execution of the agreement specified in subsection 6 of this section, the project taxpayers shall
128 provide proof of the same to the department of economic development. Upon verification of
129 such proof, the department of economic development shall certify the new facility to the
130 department of revenue as being eligible for the exemption dating retroactively to the first day of
131 construction on the new facility. The department of revenue, upon receipt of adequate proof of
132 the amount of sales taxes paid since the first day of construction, shall issue a refund of taxes
133 paid but eligible for exemption under subsection 2 of this section to each operating taxpayer and
134 each constructing taxpayer and issue a certificate of exemption to each new project taxpayer for
135 ongoing exemptions under subsection 2 of this section. The department of revenue shall issue
136 such a refund within thirty days of receipt of certification from the department of economic
137 development.

138 (3) The commencement of the exemption period may be delayed at the option of the
139 operating taxpayer, but not more than twenty-four months after the execution of the agreement
140 required under subsection 6 of this section.

141 4. In addition to the exemptions granted under this chapter, upon approval by the
142 department of economic development, project taxpayers for expanding data **storage** center
143 projects may, for a period not to exceed ten years, be specifically exempted from state and local
144 sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to
145 144.525, sections 144.600 to 144.761, or section 238.235 on:

146 (1) All electrical energy, gas, water, and other utilities including telecommunication and
147 internet services used in an expanding data storage center which, on an annual basis, exceeds the
148 amount of electrical energy, gas, water, and other utilities including telecommunication and
149 internet services used in the existing facility or the replaced facility prior to the expansion. For
150 purposes of this subdivision only, "amount" shall be measured in kilowatt hours, gallons, cubic
151 feet, or other measures applicable to a utility service as opposed to in dollars, to account for
152 increases in utility rates;

153 (2) All machinery, equipment, and computers used in any expanding data storage center;
154 and
155 (3) All sales at retail of tangible personal property and materials for the purpose of
156 constructing, repairing, or remodeling any expanding data storage center.
157
158 The amount of any exemption provided under this subsection shall not exceed the projected net
159 fiscal benefit to the state over a period of ten years, as determined by the department of economic
160 development using the Regional Economic Modeling, Inc., data set or comparable data.
161 5. (1) Any data storage center project seeking a tax exemption under subsection 4 of this
162 section shall submit a notice of intent and a project plan to the department of economic
163 development, which shall identify each known constructing taxpayer and each known operating
164 taxpayer for the project and include any additional information the department of economic
165 development may reasonably require to determine eligibility for the exemption. The department
166 of economic development shall review the project plan and determine whether the project is
167 eligible for the exemption under subsection 4 of this section, conditional upon subsequent
168 verification by the department that the project meets the requirements in subsection 1 of this
169 section for an expanding facility project and the execution of the agreement specified in
170 subsection 6 of this section. The department shall make such conditional determination within
171 thirty days of submission by the operating taxpayer. Failure of the department to respond within
172 thirty days shall result in a project plan being deemed conditionally approved.
173 (2) The department of economic development shall convey such conditional approval
174 to the department of revenue and the identified project taxpayers. After a conditionally approved
175 facility has met the requirements in subsection 1 of this section, the project taxpayers shall
176 provide proof of the same to the department of economic development. Upon verification of
177 such proof, the department of economic development shall certify the project to the department
178 of revenue as being eligible for the exemption dating retroactively to the first day of the
179 expansion of the facility. The department of revenue, upon receipt of adequate proof of the
180 amount of sales taxes paid since the first day of the expansion of the facility, shall issue a refund
181 of taxes paid but eligible for exemption under subsection 4 of this section to any applicable
182 project taxpayer and issue a certificate of exemption to any applicable project taxpayer for
183 ongoing exemptions under subsection 4 of this section. The department of revenue shall issue
184 such a refund within thirty days of receipt of certification from the department of economic
185 development.
186 (3) The commencement of the exemption period may be delayed at the option of the
187 operating taxpayer, but not more than twenty-four months after the execution of the agreement
188 required under subsection 6 of this section.

189 6. (1) The exemptions in subsections 2 and 4 of this section shall be tied to the new or
190 expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer
191 an operating or constructing taxpayer of the new or expanding facility project shall be invalid as
192 of the date the taxpayer was no longer an operating or constructing taxpayer of the new or
193 expanding facility project. New certificates of exemption shall be issued to successor
194 constructing taxpayers and operating taxpayers at such new or expanding facility projects. The
195 right to the exemption by successor taxpayers shall exist without regard to subsequent levels of
196 investment in the new or expanding facility by successor taxpayers.
197 (2) As a condition of receiving an exemption under subsection 2 or 4 of this section, the
198 project taxpayers shall enter into an agreement with the department of economic development
199 providing for repayment penalties in the event the data storage center project fails to comply with
200 any of the requirements of this section.
201 (3) The department of revenue shall credit any amounts remitted by the project taxpayers
202 under this subsection to the fund to which the sales and use taxes exempted would have
203 otherwise been credited.
204 7. Any project taxpayer who submits a notice of intent to the department of economic
205 development to expand a new facility by additional construction, extension, improvement, or
206 equipping within five years of the date the new facility became operational shall be entitled to
207 request the department undertake an additional analysis to determine the projected net fiscal
208 benefit of the expansion to the state over a period of ten years as determined by the department
209 using the Regional Economic Modeling, Inc., data set or comparable data and shall be entitled
210 to an exemption under this section not to exceed such fiscal benefit to the state for a period of
211 not to exceed fifteen years.
212 8. The department of economic development and the department of revenue shall
213 cooperate in conducting random audits to ensure that the intent of this section is followed.
214 9. Notwithstanding any other provision of law to the contrary, no recipient of an
215 exemption pursuant to this section shall be eligible for benefits under any business recruitment
216 tax credit, as defined in section 135.800.
217 10. The department of economic development and the department of revenue shall
218 jointly prescribe such rules and regulations necessary to carry out the provisions of this section.
219 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
220 authority delegated in this section shall become effective only if it complies with and is subject
221 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
222 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant
223 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are

224 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
225 or adopted after August 28, 2015, shall be invalid and void.
226
227 EXPLANATION: DUE TO THE ELIMINATION OF THE STATE FRANCHISE TAX IN
228 2016, A TERMINATION DATE IS NECESSARY:

147.020. 1. For each taxable year beginning on or after January 1, 1980, **but ending on**
2 **or before December 31, 2015,** every corporation liable for the tax prescribed in section 147.010
3 shall make a report in writing showing the financial condition of the corporation at the beginning
4 of business on the first day of its taxable year to the director of revenue annually on or before the
5 due date of the corporation's state income tax return pursuant to chapter 143 in such form as the
6 director of revenue may prescribe. The report shall be signed by an officer of the corporation.
7 2. For each taxable year beginning on or after January 1, 1980, **but ending on or before**
8 **December 31, 2015,** if a corporation obtains an extension of time for filing its annual Missouri
9 income tax return pursuant to section 143.551, such corporation shall also be granted a
10 corresponding extension of time for filing the report required pursuant to sections 147.010 to
11 147.120 for its taxable year immediately succeeding the taxable year for which the income tax
12 extension is granted.
13 3. Every corporation having a transitional year liable for the tax prescribed in section
14 147.010 shall make a report in writing, showing the financial condition of the corporation at the
15 beginning of business on the first day of its transitional year, on or before April 15, 1980, in such
16 form as the director may prescribe. The report shall be signed by an officer of the corporation.
17
18 EXPLANATION: DUE TO THE ELIMINATION OF THE STATE FRANCHISE TAX IN
19 2016, A TERMINATION DATE IS NECESSARY:

147.050. 1. For each taxable year beginning on or after January 1, 1980, **but ending on**
2 **or before December 31, 2015,** every corporation organized pursuant to any laws of this state and
3 every foreign corporation engaged in business in this state and having no shares shall make a
4 report in writing to the director of revenue, annually, on or before the fifteenth day of the fourth
5 month of the corporation's taxable year, in the form as the director of revenue may prescribe.
6 2. The report shall be signed by an officer of the corporation, and forwarded to the
7 director of revenue.
8 3. Every corporation having a transitional year and coming under the provisions of this
9 section shall make the report required in this section on or before the fifteenth day of April, 1980.
10
11 EXPLANATION: THE AUTHORITY FOR AUDITS UNDER SUBSECTION 8 OF THIS
12 SECTION EXPIRED 12-31-13:

161.215. 1. There is hereby created in the state treasury the "Early Childhood Development, Education and Care Fund" which is created to give parents meaningful choices and assistance in choosing the child-care and education arrangements that are appropriate for their family. All interest received on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to support programs that prepare children prior to the age in which they are eligible to enroll in kindergarten under section 160.053 to enter school ready to learn. All moneys deposited in the early childhood development, education and care fund shall be annually appropriated for voluntary early childhood development, education and care programs serving children in every region of the state not yet enrolled in kindergarten. For fiscal year 2013 and each subsequent fiscal year, at least thirty-five million dollars of the funds received from the master settlement agreement, as defined in section 196.1000, shall be deposited in the early childhood development, education and care fund.

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

(1) Grants or contracts may be provided for:

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

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

(2) Grant and contract applications shall, at a minimum, include:

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

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

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

(d) Documentation of community input into program development;

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

37 (f) Commitment to state licensure within one year of the initial grant, if funding comes
38 from the appropriation to the department of elementary and secondary education and
39 commitment to compliance with the requirements of the department of social services, if funding
40 comes from the department of social services; and
41 (g) With respect to applications by public schools, the establishment of a parent advisory
42 committee within each public school program;
43 (3) In awarding grants and contracts under this subdivision, the departments may give
44 preference to programs which:
45 (a) Are new or expanding programs which increase capacity;
46 (b) Target geographic areas of high need, namely where the ratio of program slots to
47 children under the age of six in the area is less than the same ratio statewide;
48 (c) Are programs designed for special needs children;
49 (d) Are programs that offer services during nontraditional hours and weekends; or
50 (e) Are programs that serve a high concentration of low-income families.
51 3. No less than ten percent of moneys deposited in the early childhood development,
52 education and care fund shall be appropriated to the department of social services to provide
53 early childhood development, education and care programs through child development,
54 education and care certificates to families whose income does not exceed one hundred
55 eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. Section
56 9858c(c)(2)(A) and 42 U.S.C. Section 9858n(2) for the purpose of funding early childhood
57 development, education and care programs as approved by the department of social services. At
58 a minimum, the certificate shall be of a value per child which is commensurate with the per-child
59 payment under paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the
60 grants or contracts. On February first of each year the department shall certify the total amount
61 of child development, education and care certificates applied for and the unused balance of the
62 funds shall be released to be used for supplementing the competitive grants and contracts
63 program authorized under subsection 2 of this section.
64 4. No less than ten percent of moneys deposited in the early childhood development,
65 education and care fund shall be appropriated to the department of social services to increase
66 reimbursements to child-care facilities for low-income children that are accredited by a
67 recognized, early childhood accrediting organization.
68 5. No less than ten percent of the funds deposited in the early childhood development,
69 education and care fund shall be appropriated to the department of social services to provide
70 assistance to eligible parents whose family income does not exceed one hundred eighty-five
71 percent of the federal poverty level who wish to care for their children under three years of age
72 in the home, to enable such parent to take advantage of early childhood development, education

and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per-child payment under paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods.

6. In setting the value of parental certificates under subsection 3 of this section and payments under subsection 5 of this section, the department of social services may increase the value based on the following:

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

(2) The adult caretaker consents to and clears a child abuse or neglect screening **[**under subdivision (1) of subsection 2 of section 210.152**]**; and

(3) The degree of economic need of the family.

7. The department of elementary and secondary education and the department of social services each shall by rule promulgated under chapter 536 establish guidelines for the implementation of the early childhood development, education and care programs as provided in subsections 2 to 6 of this section.

8. **[**The state auditor shall conduct an audit of all moneys in the early childhood development, education and care fund created in subsection 1 of this section every year beginning January 1, 2011, and ending on December 31, 2013. The findings of each audit shall be distributed to the general assembly no later than ten business days after the completion of such audit.

9.**]** 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, 2010, shall be invalid and void.

EXPLANATION: REMOVES LANGUAGE SUBSECTION 6 REGARDING A ONE-TIME TRANSFER DURING THE 2014-2015 SCHOOL YEAR:

165.011. 1. The following funds are created for the accounting of all school moneys: "Teachers' Fund", "Incidental Fund", "Capital Projects Fund" and "Debt Service Fund". The

3 treasurer of the school district shall open an account for each fund specified in this section, and
4 all moneys received from the county school fund and all moneys derived from taxation for
5 teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys
6 received under section 163.031, and all other moneys received from the state except as herein
7 provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the
8 district board of education, except as provided in subsection 5 of section 163.031. Money
9 received from other districts for transportation and money derived from taxation for incidental
10 expenses shall be credited to the incidental fund. All money derived from taxation or received
11 from any other source for the erection of buildings or additions thereto and the remodeling or
12 reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase
13 obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other
14 buildings of any kind, or school furniture, from insurance, from sale of bonds other than
15 refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived
16 from the sale or lease of sites, buildings, facilities, furnishings, and equipment by a school
17 district as authorized under section 177.088 shall be credited to the capital projects fund. Money
18 derived from taxation for the retirement of bonds and the payment of interest thereon shall be
19 credited to the debt service fund, which shall be maintained as a separate bank account. Receipts
20 from delinquent taxes shall be allocated to the several funds on the same basis as receipts from
21 current taxes, except that where the previous years' obligations of the district would be affected
22 by such distribution, the delinquent taxes shall be distributed according to the tax levies made
23 for the years in which the obligations were incurred. All refunds received shall be placed to the
24 credit of the fund from which the original expenditures were made. Money donated to the school
25 districts shall be placed to the credit of the fund where it can be expended to meet the purpose
26 for which it was donated and accepted. Money received from any other source whatsoever shall
27 be placed to the credit of the fund or funds designated by the board.
28 2. The school board may transfer any portion of the unrestricted balance remaining in
29 the incidental fund to the teachers' fund. Any district that uses an incidental fund transfer to pay
30 for more than twenty-five percent of the annual certificated compensation obligation of the
31 district and has an incidental fund balance on June thirtieth in any year in excess of fifty percent
32 of the combined incidental teachers' fund expenditures for the fiscal year just ended shall be
33 required to transfer the excess from the incidental fund to the teachers' fund. If a balance remains
34 in the debt service fund, after the total outstanding indebtedness for which the fund was levied
35 is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance
36 remains in the bond proceeds after completion of the project for which the bonds were issued,
37 the balance shall be transferred from the incidental or capital projects fund to the debt service
38 fund. After making all placements of interest otherwise provided by law, a school district may

39 transfer from the capital projects fund to the incidental fund the interest earned from
40 undesignated balances in the capital projects fund. A school district may borrow from one of the
41 following funds: teachers' fund, incidental fund, or capital projects fund, as necessary to meet
42 obligations in another of those funds; provided that the full amount is repaid to the lending fund
43 within the same fiscal year.
44 3. Tuition shall be paid from either the teachers' or incidental funds. Employee benefits
45 for certificated staff shall be paid from the teachers' fund.
46 4. Other provisions of law to the contrary notwithstanding, the school board of a school
47 district that meets the provisions of subsection 5 of section 163.031 may transfer from the
48 incidental fund to the capital projects fund the sum of:
49 (1) The amount to be expended for transportation equipment that is considered an
50 allowable cost under state board of education rules for transportation reimbursements during the
51 current year; plus
52 (2) Any amount necessary to satisfy obligations of the capital projects fund for
53 state-approved area vocational-technical schools; plus
54 (3) Current year obligations for lease-purchase obligations entered into prior to January
55 1, 1997; plus
56 (4) The amount necessary to repay costs of one or more guaranteed energy savings
57 performance contracts to renovate buildings in the school district, provided that the contract is
58 only for energy conservation measures as defined in section 640.651 and provided that the
59 contract specifies that no payment or total of payments shall be required from the school district
60 until at least an equal total amount of energy and energy-related operating savings and payments
61 from the vendor pursuant to the contract have been realized by the school district; plus
62 (5) An amount not to exceed the greater of:
63 (a) One hundred sixty-two thousand three hundred twenty-six dollars; or
64 (b) Seven percent of the state adequacy target multiplied by the district's weighted
65 average daily attendance,
66
67 provided that transfer amounts in excess of current year obligations of the capital projects fund
68 authorized under this subdivision may be transferred only by a resolution of the school board
69 approved by a majority of the board members in office when the resolution is voted on and
70 identifying the specific capital projects to be funded directly by the district by the transferred
71 funds and an estimated expenditure date.
72 5. Beginning in the 2006-07 school year, a district meeting the provisions of subsection
73 5 of section 163.031 and not making the transfer under subdivision (5) of subsection 4 of this
74 section, nor making payments or expenditures related to obligations made under section 177.088

may transfer from the incidental fund to the debt service fund or the capital projects fund the greater of:

(1) The state aid received in the 2005-06 school year as a result of no more than eighteen cents of the sum of the debt service and capital projects levy used in the foundation formula and placed in the respective debt service or capital projects fund, whichever fund had the designated tax levy; or

(2) Five percent of the state adequacy target multiplied by the district's weighted average daily attendance.

6. **[**A district with territory in a county of the first classification with more than one hundred fifteen thousand but fewer than one hundred fifty thousand inhabitants that maintains the district office in a home rule city with more than thirteen thousand five hundred but fewer than fifteen thousand inhabitants shall be permitted a one-time transfer during school year 2014-15 of unrestricted funds from the incidental fund to the capital projects fund in an amount that leaves the incidental fund at a balance no lower than twenty percent for the purpose of constructing capital projects to improve student safety.

7.**]** Beginning in the 2006-07 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031 an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund or debt service fund performed during the previous year in violation of this section; except that the state aid shall be deducted over no more than five school years following the school year of an unlawful transfer based on a plan from the district approved by the commissioner of elementary and secondary education.

[8.**]** **7.** A school district may transfer unrestricted funds from the capital projects fund to the incidental fund in any year to avoid becoming financially stressed as defined in subsection 1 of section 161.520. If on June thirtieth of any fiscal year the sum of unrestricted balances in a school district's incidental fund and teacher's fund is less than twenty percent of the sum of the school district's expenditures from those funds for the fiscal year ending on that June thirtieth, the school district may, during the next succeeding fiscal year, transfer to its incidental fund an amount up to and including the amount of the unrestricted balance in its capital projects fund on that June thirtieth. For purposes of this subsection, in addition to any other restrictions that may apply to funds in the school district's capital projects fund, any funds that are derived from the proceeds of one or more general obligation bond issues shall be considered restricted funds and shall not be transferred to the school district's incidental fund.

EXPLANATION: REMOVES OBSOLETE TEXTBOOK LANGUAGE:

170.051. 1. As used in this section, the term "textbook" means workbooks, manuals, or other books, whether bound or in loose-leaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each pupil in such class or group.

2. Each public school board shall purchase and loan free all textbooks for all children who are enrolled in grades kindergarten through twelve in the public schools of the district, and may purchase textbooks and instructional materials for prekindergarten students.

3. **[**Only textbooks which are filed with the state board of education pursuant to section 170.061 shall be purchased and loaned under this section. No textbooks shall be purchased or loaned under this section to be used in any form of religious instruction or worship.

4.**]** Each school board shall purchase from the incidental fund of the district all the new or used textbooks for all the pupils in all grades and preschool programs of the public schools of the district. The board may also expend incidental fund moneys to provide supplementary texts, library and reference books, contractual educational television services, and any other instructional supplies for all the pupils of the public schools of the district. All books purchased from district funds are the property of the district but shall be furnished, under rules and regulations prescribed by the school board, to the pupils without charge, except for abuse or willful destruction.

EXPLANATION: REMOVES LANGUAGE WHICH APPLIED ONLY TO FISCAL YEAR 2010:

178.930. 1. **[**(1) Beginning July 1, 2009, and until June 30, 2010, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to ninety dollars for each standard workweek (Monday through Friday) of up to and including thirty hours worked during the preceding calendar month. Eighteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.

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

16 workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the
17 workshop shall receive a percentage of the corresponding amount normally paid based on the
18 percentage of time worked by the handicapped employee.
19 2. The department shall accept, as prima facie proof of payment due to a sheltered
20 workshop, information as designated by the department, either in paper or electronic format. A
21 statement signed by the president, secretary, and manager of the sheltered workshop, setting forth
22 the dates worked and the number of hours worked each day by each handicapped person
23 employed by that sheltered workshop during the preceding calendar month, together with any
24 other information required by the rules or regulations of the department, shall be maintained at
25 the workshop location.
26 3. There is hereby created in the state treasury the "Sheltered Workshop Per Diem
27 Revolving Fund" which shall be administered by the commissioner of the department of
28 elementary and secondary education. All moneys appropriated pursuant to subsection 1 of this
29 section shall be deposited in the fund and expended as described in subsection 1 of this section.
30 4. The balance of the sheltered workshop per diem revolving fund shall not exceed five
31 hundred thousand dollars at the end of each fiscal year and shall be exempt from the provisions
32 of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.
33 Any unexpended balance in the sheltered workshop per diem revolving fund at the end of each
34 fiscal year exceeding five hundred thousand dollars shall be deposited in the general revenue
35 fund.
36
37 EXPLANATION: REMOVES AN OBSOLETE REFERENCE TO THE FEDERAL FOOD,
38 DRUG, AND COSMETIC ACT REPEALED IN 1997:
196.973. As used in sections 196.970 to 196.984, the following terms shall mean:
2 (1) "Health care professional", any of the following persons licensed and authorized to
3 prescribe and dispense drugs and to provide medical, dental, or other health-related diagnoses,
4 care, or treatment:
5 (a) A licensed physician or surgeon;
6 (b) A registered nurse or licensed practical nurse;
7 (c) A physician assistant;
8 (d) A dentist;
9 (e) A dental hygienist;
10 (f) An optometrist;
11 (g) A pharmacist; and
12 (h) A podiatrist;
13 (2) "Hospital", the same meaning as such term is defined in section 197.020;

14 (3) "Nonprofit clinic", a facility organized as not for profit in which advice, counseling,
15 diagnosis, treatment, surgery, care, or services relating to the preservation or maintenance of
16 health are provided on an outpatient basis for a period of less than twenty-four consecutive hours
17 to persons not residing or confined at such facility;
18 (4) "Out-of-state charitable repository", any of the following:
19 (a) A bona fide charitable, religious, or nonprofit organization, licensed or registered in
20 this state as an out-of-state wholesale drug distributor under sections 338.210 to 338.370 and that
21 otherwise qualifies as an exempt organization under Section 501(c)(3) of Title 26, United States
22 Code, as amended; or
23 (b) A foreign medical aid mission group that distributes pharmaceuticals and health care
24 supplies to needy persons abroad;
25 (5) "Prescription drug", a drug which may be dispensed only upon prescription by an
26 authorized prescriber and which is approved for safety and effectiveness as a prescription drug
27 under Section 505 **[**or 507**]** of the Federal Food, Drug, and Cosmetic Act.
28
29 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE
30 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 03-02:

208.156. 1. The **family support** division **[**of family services**] or the MO HealthNet**
2 **division** shall provide for granting an opportunity for a fair hearing under section 208.080 to any
3 applicant or recipient whose claim for medical assistance is denied or is not acted upon with
4 reasonable promptness.
5 2. Any person authorized under section 208.153 to provide services for which benefit
6 payments are authorized under section 208.152 whose claim for reimbursement for such services
7 is denied or is not acted upon with reasonable promptness shall be entitled to a hearing before
8 the administrative hearing commission pursuant to the provisions of chapter 621.
9 3. Any person authorized under section 208.153 to provide services for which benefit
10 payments are authorized under section 208.152 who is denied participation in any program or
11 programs established under the provisions of chapter 208 shall be entitled to a hearing before the
12 administrative hearing commission pursuant to the provisions of chapter 621.
13 4. Any person authorized under section 208.153 to provide services for which benefit
14 payments are authorized under section 208.152 who is aggrieved by any rule or regulation
15 promulgated by the department of social services or any division therein shall be entitled to a
16 hearing before the administrative hearing commission pursuant to the provisions of chapter 621.
17 5. Any person authorized under section 208.153 to provide services for which benefit
18 payments are authorized under section 208.152 who is aggrieved by any rule or regulation,
19 contractual agreement, or decision, as provided for in section 208.166, by the department of

20 social services or any division therein shall be entitled to a hearing before the administrative
21 hearing commission pursuant to the provisions of chapter 621.
22 6. No provider of service may file a petition for a hearing before the administrative
23 hearing commission unless the amount for which he seeks reimbursement exceeds five hundred
24 dollars.
25 7. One or more providers of service as will fairly insure adequate representation of others
26 having similar claims against the department of social services or any division therein may
27 institute the hearing on behalf of all in the class if there is a common question of law or fact
28 affecting the several rights and a common relief is sought.
29 8. Any person authorized under section 208.153 to provide services for which benefit
30 payments are authorized under section 208.152 and who is entitled to a hearing as provided for
31 in the preceding sections shall have thirty days from the date of mailing or delivery of a decision
32 of the department of social services or its designated division in which to file his petition for
33 review with the administrative hearing commission except that claims of less than five hundred
34 dollars may be accumulated until they total that sum and at which time the provider shall have
35 ninety days to file his petition.
36 9. When a person entitled to a hearing as provided for in this section applies to the
37 administrative hearing commission for a stay order staying the actions of the department of social
38 services or its divisions, the administrative hearing commission shall not grant such stay order
39 until after a full hearing on such application. The application shall be advanced on the docket
40 for immediate hearing and determination. The person applying for such stay order shall not be
41 granted such stay order unless that person shall show that immediate and irreparable injury, loss,
42 or damage will result if such stay order is denied, or that such person has a reasonable likelihood
43 of success upon the merits of his claim; and provided further that no stay order shall be issued
44 without the person seeking such order posting a bond in such sum as the administrative hearing
45 commission finds sufficient to protect and preserve the interest of the department of social
46 services or its divisions. In no event may the administrative hearing commission grant such stay
47 order where the claim arises under a program or programs funded by federal funds or by any
48 combination of state and federal funds, unless it is specified in writing by the financial section
49 of the appropriate federal agency that federal financial participation will be continued under the
50 stay order.
51 10. The other provisions of this section notwithstanding, a person receiving or providing
52 benefits shall have the right to bring an action in appealing from the administrative hearing
53 commission in the circuit court of Cole County, Missouri, or the county of his residence pursuant
54 to section 536.050.
55

56 EXPLANATION: SUBDIVISION (4) OF SUBSECTION 3 OF THIS SECTION IS
57 OBSOLETE DUE TO THE REPEAL OF SECTION 167.195 IN 2015:

209.015. 1. There is hereby created in the state treasury the "Blindness Education,
2 Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant
3 to subsection 7 of section 301.020 and subsection 3 of section 302.171. Unexpended balances
4 in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any
5 other fund, the provisions of section 33.080 to the contrary notwithstanding.
6 2. Subject to the availability of funds in the blindness education, screening and treatment
7 program fund, the department of social services shall develop a blindness education, screening
8 and treatment program to provide blindness prevention education and to provide screening and
9 treatment for persons who do not have adequate coverage for such services under a health benefit
10 plan.
11 3. The program shall provide for:
12 (1) Public education about blindness and other eye conditions;
13 (2) Screenings and eye examinations to identify conditions that may cause blindness;
14 **and**
15 (3) Treatment procedures necessary to prevent blindness**[**; and
16 (4) Any additional costs for vision examinations under section 167.195 that are not
17 covered by existing public or private health insurance. Subject to appropriations, moneys from
18 the fund shall be used to pay for those additional costs, provided that the costs do not exceed
19 ninety-nine thousand dollars per year. Payment from the fund for vision examinations under
20 section 167.195 shall not exceed the allowable state Medicaid reimbursement amount for vision
21 examinations**]**.
22 4. The department may contract for program development with any department-approved
23 nonprofit organization dealing with regional and community blindness education, eye donor and
24 vision treatment services.
25 5. The department may adopt rules to prescribe eligibility requirements for the program.
26 6. No rule or portion of a rule promulgated pursuant to the authority of this section shall
27 become effective unless it has been promulgated pursuant to the provisions of chapter 536.
28
29 EXPLANATION: REPLACES INACCURATE LANGUAGE ENACTED IN 2014 WITH
30 CORRECT TERMINOLOGY:

210.027. 1. For child-care providers who receive state or federal funds for providing
2 child-care **[**fee assistance**]** **services**, either by direct payment or through reimbursement to a
3 child-care beneficiary, the department of social services shall:

4 (1) Establish publicly available website access to provider-specific information about
5 any health and safety licensing or regulatory requirements for the providers, and including dates
6 of inspections, history of violations, and compliance actions taken, as well as the consumer
7 education information required under subdivision (12) of this section;
8 (2) Establish or designate one hotline for parents to submit complaints about child care
9 providers;
10 (3) Be authorized to revoke the registration of a registered provider for due cause;
11 (4) Require providers to be at least eighteen years of age;
12 (5) Establish minimum requirements for building and physical premises to include:
13 (a) Compliance with state and local fire, health, and building codes, which shall include
14 the ability to evacuate children in the case of an emergency; and
15 (b) Emergency preparedness and response planning.
16
17 Child care providers shall meet these minimum requirements prior to receiving federal
18 assistance. Where there are no local ordinances or regulations regarding smoke detectors, the
19 department shall require providers, by rule, to install and maintain an adequate number of smoke
20 detectors in the residence or other building where child care is provided;
21 (6) Require providers to be tested for tuberculosis on the schedule required for
22 employees in licensed facilities;
23 (7) Require providers to notify parents if the provider does not have immediate access
24 to a telephone;
25 (8) Make providers aware of local opportunities for training in first aid and child care;
26 (9) Promulgate rules and regulations to define preservice training requirements for child
27 care providers and employees pursuant to applicable federal laws and regulations;
28 (10) Establish procedures for conducting unscheduled on-site monitoring of child care
29 providers prior to receiving state or federal funds for providing child care services either by
30 direct payment or through reimbursement to a child care beneficiary, and annually thereafter;
31 (11) Require child care providers who receive assistance under applicable federal laws
32 and regulations to report to the department any serious injuries or death of children occurring in
33 child care; and
34 (12) With input from statewide stakeholders such as parents, child care providers or
35 administrators, and system advocate **[**group**]** **groups**, establish a transparent system of quality
36 indicators appropriate to the provider setting that shall provide parents with a way to differentiate
37 between child care providers available in their communities as required by federal rules. The
38 system shall describe the standards used to assess the quality of child care providers. The system
39 shall indicate whether the provider meets Missouri's registration or licensing standards, is in

compliance with applicable health and safety requirements, and the nature of any violations related to registration or licensing requirements. The system shall also indicate if the provider utilizes curricula and if the provider is in compliance with staff educational requirements. Such system of quality indicators established under this subdivision with the input from stakeholders shall be promulgated by rules. 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, 2014, shall be invalid and void. This subdivision shall not be construed as authorizing the operation, establishment, maintenance, or mandating or offering of incentives to participate in a quality rating system under section 161.216.

2. No state agency shall enforce the provisions of this section until October 1, 2015, or six months after the implementation of federal regulations mandating such provisions, whichever is later.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBSECTION 1:

210.114. 1. Except as otherwise provided in section 207.085, **[**a private contractor, as defined in subdivision (4) of section 210.110, with the children's division that receives**] private contractors who in their capacities as children's services providers and agencies, as defined in section 210.110, receive** state moneys from the division or the department for providing services to children and their families **under section 210.112** shall have qualified immunity from civil liability for providing such services when the child is not in the physical care of such private contractor to the same extent that the children's division has qualified immunity from civil liability when the division or department directly provides such services.

2. This section shall not apply if a private contractor described above knowingly violates a stated or written policy of the division, any rule promulgated by the division, or any state law directly related to child abuse and neglect, or any state law directly related to the child abuse and neglect activities of the division or any local ordinance relating to the safety condition of the property.

15 EXPLANATION: THIS SECTION CHANGES THE NUMERICAL REFERENCE TO BLOOD
16 ALCOHOL CONTENT TO A WORD DESCRIPTION TO MAKE IT CONSISTENT WITH
17 OTHER STATUTORY BLOOD ALCOHOL REFERENCES:

211.447. 1. Any information that could justify the filing of a petition to terminate
2 parental rights may be referred to the juvenile officer by any person. The juvenile officer shall
3 make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should
4 be filed, such officer shall so notify the informant in writing within thirty days of the referral.
5 Such notification shall include the reasons that the petition will not be filed. Thereupon, the
6 informant may bring the matter directly to the attention of the judge of the juvenile court by
7 presenting the information in writing, and if it appears to the judge that the information could
8 justify the filing of a petition, the judge may order the juvenile officer to take further action,
9 including making a further preliminary inquiry or filing a petition.

10 2. Except as provided for in subsection 4 of this section, a petition to terminate the
11 parental rights of the child's parent or parents shall be filed by the juvenile officer or the division,
12 or if such a petition has been filed by another party, the juvenile officer or the division shall seek
13 to be joined as a party to the petition, when:

14 (1) Information available to the juvenile officer or the division establishes that the child
15 has been in foster care for at least fifteen of the most recent twenty-two months; or

16 (2) A court of competent jurisdiction has determined the child to be an abandoned infant.
17 For purposes of this subdivision, an "infant" means any child one year of age or under at the time
18 of filing of the petition. The court may find that an infant has been abandoned if:

19 (a) The parent has left the child under circumstances that the identity of the child was
20 unknown and could not be ascertained, despite diligent searching, and the parent has not come
21 forward to claim the child; or

22 (b) The parent has, without good cause, left the child without any provision for parental
23 support and without making arrangements to visit or communicate with the child, although able
24 to do so; or

25 (c) The parent has voluntarily relinquished a child under section 210.950; or

26 (3) A court of competent jurisdiction has determined that the parent has:

27 (a) Committed murder of another child of the parent; or

28 (b) Committed voluntary manslaughter of another child of the parent; or

29 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or
30 voluntary manslaughter; or

31 (d) Committed a felony assault that resulted in serious bodily injury to the child or to
32 another child of the parent.

33 3. A termination of parental rights petition shall be filed by the juvenile officer or the
34 division, or if such a petition has been filed by another party, the juvenile officer or the division
35 shall seek to be joined as a party to the petition, within sixty days of the judicial determinations
36 required in subsection 2 of this section, except as provided in subsection 4 of this section.
37 Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate
38 a petition for termination of parental rights which is filed outside of sixty days.
39 4. If grounds exist for termination of parental rights pursuant to subsection 2 of this
40 section, the juvenile officer or the division may, but is not required to, file a petition to terminate
41 the parental rights of the child's parent or parents if:
42 (1) The child is being cared for by a relative; or
43 (2) There exists a compelling reason for determining that filing such a petition would
44 not be in the best interest of the child, as documented in the permanency plan which shall be
45 made available for court review; or
46 (3) The family of the child has not been provided such services as provided for in section
47 211.183.
48 5. The juvenile officer or the division may file a petition to terminate the parental rights
49 of the child's parent when it appears that one or more of the following grounds for termination
50 exist:
51 (1) The child has been abandoned. For purposes of this subdivision a "child" means any
52 child over one year of age at the time of filing of the petition. The court shall find that the child
53 has been abandoned if, for a period of six months or longer:
54 (a) The parent has left the child under such circumstances that the identity of the child
55 was unknown and could not be ascertained, despite diligent searching, and the parent has not
56 come forward to claim the child; or
57 (b) The parent has, without good cause, left the child without any provision for parental
58 support and without making arrangements to visit or communicate with the child, although able
59 to do so;
60 (2) The child has been abused or neglected. In determining whether to terminate parental
61 rights pursuant to this subdivision, the court shall consider and make findings on the following
62 conditions or acts of the parent:
63 (a) A mental condition which is shown by competent evidence either to be permanent
64 or such that there is no reasonable likelihood that the condition can be reversed and which
65 renders the parent unable to knowingly provide the child the necessary care, custody and control;
66 (b) Chemical dependency which prevents the parent from consistently providing the
67 necessary care, custody and control of the child and which cannot be treated so as to enable the
68 parent to consistently provide such care, custody and control;

69 (c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child
70 or any child in the family by the parent, including an act of incest, or by another under
71 circumstances that indicate that the parent knew or should have known that such acts were being
72 committed toward the child or any child in the family; or
73 (d) Repeated or continuous failure by the parent, although physically or financially able,
74 to provide the child with adequate food, clothing, shelter, or education as defined by law, or other
75 care and control necessary for the child's physical, mental, or emotional health and development.
76
77 Nothing in this subdivision shall be construed to permit discrimination on the basis of disability
78 or disease;
79 (3) The child has been under the jurisdiction of the juvenile court for a period of one
80 year, and the court finds that the conditions which led to the assumption of jurisdiction still
81 persist, or conditions of a potentially harmful nature continue to exist, that there is little
82 likelihood that those conditions will be remedied at an early date so that the child can be returned
83 to the parent in the near future, or the continuation of the parent-child relationship greatly
84 diminishes the child's prospects for early integration into a stable and permanent home. In
85 determining whether to terminate parental rights under this subdivision, the court shall consider
86 and make findings on the following:
87 (a) The terms of a social service plan entered into by the parent and the division and the
88 extent to which the parties have made progress in complying with those terms;
89 (b) The success or failure of the efforts of the juvenile officer, the division or other
90 agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to
91 provide a proper home for the child;
92 (c) A mental condition which is shown by competent evidence either to be permanent
93 or such that there is no reasonable likelihood that the condition can be reversed and which
94 renders the parent unable to knowingly provide the child the necessary care, custody and control;
95 (d) Chemical dependency which prevents the parent from consistently providing the
96 necessary care, custody and control over the child and which cannot be treated so as to enable
97 the parent to consistently provide such care, custody and control; or
98 (4) The parent has been found guilty or pled guilty to a felony violation of chapter 566
99 when the child or any child in the family was a victim, or a violation of section 568.020 when
100 the child or any child in the family was a victim. As used in this subdivision, a "child" means
101 any person who was under eighteen years of age at the time of the crime and who resided with
102 such parent or was related within the third degree of consanguinity or affinity to such parent; or
103 (5) The child was conceived and born as a result of an act of forcible rape or rape in the
104 first degree. When the biological father has pled guilty to, or is convicted of, the forcible rape

105 or rape in the first degree of the birth mother, such a plea or conviction shall be conclusive
106 evidence supporting the termination of the biological father's parental rights; or
107 (6) (a) The parent is unfit to be a party to the parent and child relationship because of
108 a consistent pattern of committing a specific abuse including, but not limited to, specific
109 conditions directly relating to the parent and child relationship which are determined by the court
110 to be of a duration or nature that renders the parent unable for the reasonably foreseeable future
111 to care appropriately for the ongoing physical, mental, or emotional needs of the child.
112 (b) It is presumed that a parent is unfit to be a party to the parent and child relationship
113 upon a showing that:
114 a. Within a three-year period immediately prior to the termination adjudication, the
115 parent's parental rights to one or more other children were involuntarily terminated pursuant to
116 subsection 2 or 4 of this section or subdivision (1), (2), (3), or (4) of this subsection or similar
117 laws of other states;
118 b. If the parent is the birth mother and within eight hours after the child's birth, the child's
119 birth mother tested positive and over **[**.08**]** **eight-hundredths of one percent** blood alcohol
120 content pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine,
121 heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription
122 drug as defined in section 196.973, excepting those controlled substances or prescription drugs
123 present in the mother's body as a result of medical treatment administered to the mother, and the
124 birth mother is the biological mother of at least one other child who was adjudicated an abused
125 or neglected minor by the mother or the mother has previously failed to complete recommended
126 treatment services by the children's division through a family-centered services case;
127 c. If the parent is the birth mother and at the time of the child's birth or within eight hours
128 after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a
129 controlled substance as defined in section 195.010, or a prescription drug as defined in section
130 196.973, excepting those controlled substances or prescription drugs present in the mother's body
131 as a result of medical treatment administered to the mother, and the birth mother is the biological
132 mother of at least one other child who was adjudicated an abused or neglected minor by the
133 mother or the mother has previously failed to complete recommended treatment services by the
134 children's division through a family-centered services case; or
135 d. Within a three-year period immediately prior to the termination adjudication, the
136 parent has pled guilty to or has been convicted of a felony involving the possession, distribution,
137 or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent
138 of at least one other child who was adjudicated an abused or neglected minor by such parent or
139 such parent has previously failed to complete recommended treatment services by the children's
140 division through a family-centered services case.

141 6. The juvenile court may terminate the rights of a parent to a child upon a petition filed
142 by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court
143 finds that the termination is in the best interest of the child and when it appears by clear, cogent
144 and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of
145 this section.
146 7. When considering whether to terminate the parent-child relationship pursuant to
147 subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section,
148 the court shall evaluate and make findings on the following factors, when appropriate and
149 applicable to the case:
150 (1) The emotional ties to the birth parent;
151 (2) The extent to which the parent has maintained regular visitation or other contact with
152 the child;
153 (3) The extent of payment by the parent for the cost of care and maintenance of the child
154 when financially able to do so including the time that the child is in the custody of the division
155 or other child-placing agency;
156 (4) Whether additional services would be likely to bring about lasting parental
157 adjustment enabling a return of the child to the parent within an ascertainable period of time;
158 (5) The parent's disinterest in or lack of commitment to the child;
159 (6) The conviction of the parent of a felony offense that the court finds is of such a
160 nature that the child will be deprived of a stable home for a period of years; provided, however,
161 that incarceration in and of itself shall not be grounds for termination of parental rights;
162 (7) Deliberate acts of the parent or acts of another of which the parent knew or should
163 have known that subjects the child to a substantial risk of physical or mental harm.
164 8. The court may attach little or no weight to infrequent visitations, communications, or
165 contributions. It is irrelevant in a termination proceeding that the maintenance of the
166 parent-child relationship may serve as an inducement for the parent's rehabilitation.
167 9. In actions for adoption pursuant to chapter 453, the court may hear and determine the
168 issues raised in a petition for adoption containing a prayer for termination of parental rights filed
169 with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.
170 10. The disability or disease of a parent shall not constitute a basis for a determination
171 that a child is a child in need of care, for the removal of custody of a child from the parent, or for
172 the termination of parental rights without a specific showing that there is a causal relation
173 between the disability or disease and harm to the child.
174
175 EXPLANATION: UPDATES OBSOLETE TERMINOLOGY REGARDING DISABILITIES
176 AND THE TITLES OF DEPARTMENT PERSONNEL:

226.805. 1. There is hereby created the "Interagency Committee on Special Transportation" within the Missouri department of transportation. The members of the committee shall be: the **[**assistant for transportation**]** **director** of the Missouri department of transportation, or his or her designee; the **[**assistant**]** **deputy** commissioner of the department of elementary and secondary education, responsible for special transportation, or his or her designee; the director **of the division of senior and disability services** of the department of health and senior services, or the director's designee; the director of the **[**children's**]** **family support** division of the department of social services, or the director's designee; the director of the division of developmental disabilities and the **[**deputy**]** director **[**for administration**]** **of the division of administrative services** of the department of mental health, or **[**their**]** **the directors'** designees; the executive **[**secretary **]** **director** of the governor's **[**committee on the employment of the handicapped**]** **council on disability**; and other state agency representatives as the governor deems appropriate for temporary or permanent membership by executive order.

2. The interagency committee on special transportation shall:

(1) Jointly designate substate special transportation planning and service areas within the state;

(2) Jointly designate a special transportation planning council for each special transportation planning and service area. The special transportation planning council shall be composed of the area agency on aging, the regional center for developmental disabilities, the regional planning commission and other local organizations responsible for funding and organizing special transportation designated by the interagency committee. The special transportation planning councils will oversee and approve the preparation of special transportation plans. Staff support for the special transportation planning councils will be provided by the regional planning commissions serving the area with funds provided by the department of transportation for this purpose;

(3) Jointly establish a uniform planning format and content;

(4) Individually and jointly establish uniform budgeting and reporting standards for all transportation funds administered by the member agencies. These standards shall be adopted into the administrative rules of each member agency;

(5) Individually establish annual allocations of funds to support special transportation services in each of the designated planning and service areas;

(6) Individually and jointly adopt a five-year planning budget for the capital and operating needs of special transportation in Missouri;

(7) Individually develop administrative and adopt rules for the substate division of special transportation funds;

36 (8) Jointly review and accept annual capital and operating plans for the designated
37 special transportation planning and service areas;
38 (9) Individually submit proposed expenditures to the interagency committee for review
39 as to conformity with the areas special transportation plans. All expenditures are to be made in
40 accordance with the plans or by special action of the interagency committee.
41 3. The assistant for transportation of the Missouri department of transportation shall
42 serve as chairman of the committee.
43 4. Staff for the committee shall be provided by the Missouri department of
44 transportation.
45 5. The committee shall meet on such a schedule and carry out its duties in such a way
46 as to discharge its responsibilities over special transportation expenditures made for the state
47 fiscal year beginning July 1, 1989, and all subsequent years.
48
49 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL
50 REFERENCE ENACTED IN 2015:

261.295. The department of agriculture shall promulgate rules and regulations for the
2 implementation of sections 261.270 to 261.295. Any rule or portion of a rule, as that term is
3 defined in section 536.010, that is created under the authority delegated in this section and
4 section **[**348.273**]** **348.275** shall become effective only if it complies with and is subject to all of
5 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
6 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter
7 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
9 August 28, 2015, shall be invalid and void.
10
11 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL
12 REFERENCE IN SUBSECTION 2:

288.036. 1. "Wages" means all remuneration, payable or paid, for personal services
2 including commissions and bonuses and, except as provided in subdivision (7) of this **[**section**]**
3 **subsection**, the cash value of all remuneration paid in any medium other than cash. Gratuities,
4 including tips received from persons other than the employing unit, shall be considered wages
5 only if required to be reported as wages pursuant to the Federal Unemployment Tax Act, 26
6 U.S.C. Sec. 3306, and shall be, for the purposes of this chapter, treated as having been paid by
7 the employing unit. Severance pay shall be considered as wages to the extent required pursuant
8 to the Federal Unemployment Tax Act, 26 U.S.C. Section 3306(b). Vacation pay, termination
9 pay, severance pay and holiday pay shall be considered as wages for the week with respect to

10 which it is payable. The total amount of wages derived from severance pay, if paid to an insured
11 in a lump sum, shall be prorated on a weekly basis at the rate of pay received by the insured at
12 the time of termination for the purposes of determining unemployment benefits eligibility. The
13 term "wages" shall not include:
14 (1) The amount of any payment made (including any amount paid by an employing unit
15 for insurance or annuities, or into a fund, to provide for any such payment) to, or on behalf of,
16 an individual under a plan or system established by an employing unit which makes provision
17 generally for individuals performing services for it or for a class or classes of such individuals,
18 on account of:
19 (a) Sickness or accident disability, but in case of payments made to an employee or any
20 of the employee's dependents this paragraph shall exclude from the term wages only payments
21 which are received pursuant to a workers' compensation law; or
22 (b) Medical and hospitalization expenses in connection with sickness or accident
23 disability; or
24 (c) Death;
25 (2) The amount of any payment on account of sickness or accident disability, or medical
26 or hospitalization expenses in connection with sickness or accident disability, made by an
27 employing unit to, or on behalf of, an individual performing services for it after the expiration
28 of six calendar months following the last calendar month in which the individual performed
29 services for such employing unit;
30 (3) The amount of any payment made by an employing unit to, or on behalf of, an
31 individual performing services for it or his or her beneficiary:
32 (a) From or to a trust described in 26 U.S.C. 401(a) which is exempt from tax pursuant
33 to 26 U.S.C. 501(a) at the time of such payment unless such payment is made to an employee
34 of the trust as remuneration for services rendered as such an employee and not as a beneficiary
35 of the trust; or
36 (b) Under or to an annuity plan which, at the time of such payments, meets the
37 requirements of Section 404(a)(2) of the Federal Internal Revenue Code (26 U.S.C.A. Sec. 404);
38 (4) The amount of any payment made by an employing unit (without deduction from the
39 remuneration of the individual in employment) of the tax imposed pursuant to Section 3101 of
40 the Federal Internal Revenue Code (26 U.S.C.A. Sec. 3101) upon an individual with respect to
41 remuneration paid to an employee for domestic service in a private home or for agricultural
42 labor;
43 (5) Remuneration paid in any medium other than cash to an individual for services not
44 in the course of the employing unit's trade or business;

45 (6) Remuneration paid in the form of meals provided to an individual in the service of
46 an employing unit where such remuneration is furnished on the employer's premises and at the
47 employer's convenience, except that remuneration in the form of meals that is considered wages
48 and required to be reported as wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C.
49 Sec. 3306 shall be reported as wages as required thereunder;
50 (7) For the purpose of determining wages paid for agricultural labor as defined in
51 paragraph (b) of subdivision (1) of subsection 12 of section 288.034 and for domestic service as
52 defined in subsection 13 of section 288.034, only cash wages paid shall be considered;
53 (8) Beginning on October 1, 1996, any payment to, or on behalf of, an employee or the
54 employee's beneficiary under a cafeteria plan, if such payment would not be treated as wages
55 pursuant to the Federal Unemployment Tax Act.
56 2. The increases or decreases to the state taxable wage base for the remainder of calendar
57 year 2004 shall be eight thousand dollars, and the state taxable wage base in calendar year 2005,
58 and each calendar year thereafter, shall be determined by the provisions within this subsection.
59 On January 1, 2005, the state taxable wage base for calendar year 2005, 2006, and 2007 shall be
60 eleven thousand dollars. The taxable wage base for calendar year 2008 shall be twelve thousand
61 dollars. The state taxable wage base for each calendar year thereafter shall be determined by the
62 average balance of the unemployment compensation trust fund of the four preceding calendar
63 quarters (September thirtieth, June thirtieth, March thirty-first, and December thirty-first of the
64 preceding calendar year), less any outstanding federal Title XII advances received pursuant to
65 section 288.330, less the principal, interest, and administrative expenses related to any credit
66 instrument issued under section **[**288.030**]** **288.330**, and less the principal, interest, and
67 administrative expenses related to any financial agreements under subdivision (17) of subsection
68 2 of section 288.330. When the average balance of the unemployment compensation trust fund
69 of the four preceding quarters (September thirtieth, June thirtieth, March thirty-first, and
70 December thirty-first of the preceding calendar year), as so determined is:
71 (1) Less than, or equal to, three hundred fifty million dollars, then the wage base shall
72 increase by one thousand dollars; or
73 (2) Six hundred fifty million or more, then the state taxable wage base for the subsequent
74 calendar year shall be decreased by five hundred dollars. In no event, however, shall the state
75 taxable wage base increase beyond twelve thousand five hundred dollars, or decrease to less than
76 seven thousand dollars. For calendar year 2009, the tax wage base shall be twelve thousand five
77 hundred dollars.
78
79 For calendar year 2010 and each calendar year thereafter, in no event shall the state taxable wage
80 base increase beyond thirteen thousand dollars, or decrease to less than seven thousand dollars.

For any calendar year, the state taxable wage base shall not be reduced to less than that part of the remuneration which is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation trust fund. Nothing in this section shall be construed to prevent the wage base from increasing or decreasing by increments of five hundred dollars.

EXPLANATION: REMOVES THE LANGUAGE IN SUBSECTION 2 (INACCURATE PLACEMENT, SEE SECTION 288.128 BELOW):

288.121. **[**1.**]** On October first of each calendar year, if the average balance, less any federal advances, of the unemployment compensation trust fund of the four preceding quarters (September thirtieth, June thirtieth, March thirty-first and December thirty-first of the preceding calendar year) is less than four hundred fifty million dollars, then each employer's contribution rate calculated for the four calendar quarters of the succeeding calendar year shall be increased by the percentage determined from the following table:

Balance in Trust Fund		
Less Than	Equals or Exceeds	Percentage of Increase
$450,000,000	$400,000,000	10%
$400,000,000	$350,000,000	20%
$350,000,000		30%

For calendar years 2005, 2006, and 2007, the contribution rate of any employer who is paying the maximum contribution rate shall be increased by forty percent, instead of thirty percent as previously indicated in the table in this section.

[2. For calendar year 2007 and each year thereafter, an employer's total contribution rate shall equal the employer's contribution rate plus a temporary debt indebtedness assessment equal to the amount to be determined in subdivision (6) of subsection 2 of section 288.330 added to the contribution rate plus the increase authorized under subsection 1 of this section. Any moneys overcollected beyond the actual administrative, interest and principal repayment costs for the credit instruments used shall be deposited into the state unemployment insurance trust fund and credited to the employer's experience account.**]**

EXPLANATION: ADDS THE LANGUAGE REMOVED FROM SECTION 288.121 TO PLACE IT IN THE APPROPRIATE STATUTORY SECTION:

288.128. 1. If the fund is utilizing moneys advanced by the federal government under the provisions of 42 U.S.C.A., Section 1321, pursuant to section 288.330, each employer may

be assessed an amount solely for the payment of interest due on such federal advancements. The rate shall be determined by dividing the interest due on federal advancements by ninety-five percent of the total taxable wages paid by all Missouri employers in the preceding calendar year. Each employer's proportionate share shall be the product obtained by multiplying such employer's total taxable wages for the preceding calendar year by the rate specified in this section. Each employer shall be notified of the amount due under this section by June thirtieth of each year and such amount shall be considered delinquent thirty days thereafter. The moneys collected from each employer for the payment of interest due on federal advances shall be deposited in the special employment security fund.

2. If on December thirty-first of any year the money collected under subsection 1 of this section exceeds the amount of interest due on federal advancements by one hundred thousand dollars or more, then each employer's experience rating account shall be credited with an amount which bears the same ratio to the excess moneys collected under this section as that employer's payment collected under this section bears to the total amount collected under this section. Further, if on December thirty-first of any year the moneys collected under this section exceed the amount of interest due on the federal advancements by less than one hundred thousand dollars, the balance shall be transferred from the special employment security fund to the Secretary of the Treasury of the United States to be credited to the account of this state in the unemployment trust fund.

3. If the fund is utilizing moneys from the proceeds of credit instruments issued under section 288.330, or from the moneys advanced under financial agreements under subdivision (17) of subsection 2 of section 288.330, or a combination of credit instrument proceeds and moneys advanced under financial agreements each employer may be assessed a credit instrument and financing agreement repayment surcharge. The total of such surcharge shall be calculated as an amount up to one hundred fifty percent of the amount required in the twelve-month period following the due date for the payment of such surcharge for the payment of the principal, interest, and administrative expenses related to such credit instruments, or in the case of financial agreements for the payment of principal, interest, and administrative expenses related to such financial agreements, or in the case of a combination of credit instruments and financial agreements for the payment of principal, interest, and administrative expenses for both. The total annual surcharge to be collected shall be calculated by the division as a percentage of the total statewide contributions collected during the previous calendar year. Each employer's proportionate share shall be the product obtained by multiplying the percentage calculated under this subsection by each employer's contributions due under this chapter for each filing period during the preceding calendar year. Each employer shall be notified by the division of the amount due under this section by April thirtieth of each year and such amount shall be

39 considered delinquent thirty days thereafter. **Any moneys overcollected in excess of the actual**
40 **administrative, interest, and principal repayments costs for the credit instruments or**
41 **financial agreements used shall be deposited into the state unemployment insurance trust**
42 **fund and credited to the employer's expense account.**
43
44 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN
45 SUBDIVISION (4) OF SUBSECTION 6:

301.562. 1. The department may refuse to issue or renew any license required pursuant
2 to sections 301.550 to 301.580 for any one or any combination of causes stated in subsection 2
3 of this section. The department shall notify the applicant or licensee in writing at his or her last
4 known address of the reasons for the refusal to issue or renew the license and shall advise the
5 applicant or licensee of his or her right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.
7 2. The department may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621 against any holder of any license issued under sections
9 301.550 to 301.580 for any one or any combination of the following causes:
10 (1) The applicant or license holder was previously the holder of a license issued under
11 sections 301.550 to 301.580, which license was revoked for cause and never reissued by the
12 department, or which license was suspended for cause and the terms of suspension have not been
13 fulfilled;
14 (2) The applicant or license holder was previously a partner, stockholder, director or
15 officer controlling or managing a partnership or corporation whose license issued under sections
16 301.550 to 301.580 was revoked for cause and never reissued or was suspended for cause and
17 the terms of suspension have not been fulfilled;
18 (3) The applicant or license holder has, within ten years prior to the date of the
19 application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo
20 contendere, in a prosecution under the laws of any state or of the United States, for any offense
21 reasonably related to the qualifications, functions, or duties of any business licensed under
22 sections 301.550 to 301.580; for any offense, an essential element of which is fraud, dishonesty,
23 or an act of violence; or for any offense involving moral turpitude, whether or not sentence is
24 imposed;
25 (4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued
26 pursuant to sections 301.550 to 301.580;
27 (5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or
28 other compensation by fraud, deception, or misrepresentation;

29 (6) Violation of, or assisting or enabling any person to violate any provisions of this
30 chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation
31 adopted pursuant to this chapter and chapters 143, 144, 306, 307, 407, 578, and 643;
32 (7) The applicant or license holder has filed an application for a license which, as of its
33 effective date, was incomplete in any material respect or contained any statement which was, in
34 light of the circumstances under which it was made, false or misleading with respect to any
35 material fact;
36 (8) The applicant or license holder has failed to pay the proper application or license fee
37 or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a
38 bona fide place of business;
39 (9) Uses or permits the use of any special license or license plate assigned to the license
40 holder for any purpose other than those permitted by law;
41 (10) The applicant or license holder is finally adjudged insane or incompetent by a court
42 of competent jurisdiction;
43 (11) Use of any advertisement or solicitation which is false;
44 (12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a
45 conviction or finding of guilt or violation of any federal motor vehicle laws which result in a
46 conviction or finding of guilt.
47 3. Any such complaint shall be filed within one year of the date upon which the
48 department receives notice of an alleged violation of an applicable statute or regulation. After
49 the filing of such complaint, the proceedings shall, except for the matters set forth in subsection
50 5 of this section, be conducted in accordance with the provisions of chapter 621. Upon a finding
51 by the administrative hearing commission that the grounds, provided in subsection 2 of this
52 section, for disciplinary action are met, the department may, singly or in combination, refuse to
53 issue the person a license, issue a license for a period of less than two years, issue a private
54 reprimand, place the person on probation on such terms and conditions as the department deems
55 appropriate for a period of one day to five years, suspend the person's license from one day to
56 six days, or revoke the person's license for such period as the department deems appropriate. The
57 applicant or licensee shall have the right to appeal the decision of the administrative hearing
58 commission and department in the manner provided in chapter 536.
59 4. Upon the suspension or revocation of any person's license issued under sections
60 301.550 to 301.580, the department shall recall any distinctive number plates that were issued
61 to that licensee. If any licensee who has been suspended or revoked shall neglect or refuse to
62 surrender his or her license or distinctive number license plates issued under sections 301.550
63 to 301.580, the director shall direct any agent or employee of the department or any law
64 enforcement officer, to secure possession thereof and return such items to the director. For

65 purposes of this subsection, a "law enforcement officer" means any member of the highway
66 patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his
67 or her official capacity. Failure of the licensee to surrender his or her license or distinctive
68 number license plates upon demand by the director, any agent or employee of the department,
69 or any law enforcement officer shall be a class A misdemeanor.

70 5. Notwithstanding the foregoing provisions of this section, the following events or acts
71 by the holder of any license issued under sections 301.550 to 301.580 are deemed to present a
72 clear and present danger to the public welfare and shall be considered cause for suspension or
73 revocation of such license under the procedure set forth in subsection 6 of this section, at the
74 discretion of the director:

75 (1) The expiration or revocation of any corporate surety bond or irrevocable letter of
76 credit, as required by section 301.560, without submission of a replacement bond or letter of
77 credit which provides coverage for the entire period of licensure;

78 (2) The failure to maintain a bona fide established place of business as required by
79 section 301.560;

80 (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section;
81 or

82 (4) Three or more occurrences of violations which have been established following
83 proceedings before the administrative hearing commission under subsection 3 of this section, or
84 which have been established following proceedings before the director under subsection 6 of this
85 section, of this chapter and chapters 143, 144, 306, 307, 578, and 643 or of any lawful rule or
86 regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not
87 previously set forth herein.

88 6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or
89 revoked, following an evidentiary hearing before the director or his or her designated hearing
90 officer, if affidavits or sworn testimony by an authorized agent of the department alleges the
91 occurrence of any of the events or acts described in subsection 5 of this section.

92 (2) For any license which the department believes may be subject to suspension or
93 revocation under this subsection, the director shall immediately issue a notice of hearing to the
94 licensee of record. The director's notice of hearing:

95 (a) Shall be served upon the licensee personally or by first class mail to the dealer's last
96 known address, as registered with the director;

97 (b) Shall be based on affidavits or sworn testimony presented to the director, and shall
98 notify the licensee that such information presented therein constitutes cause to suspend or revoke
99 the licensee's license;

100 (c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

101 (d) Shall specify the events or acts which may provide cause for suspension or revocation
102 of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other
103 information presented to the director which support discipline of the license; and
104 (e) Shall inform the licensee that he or she has the right to attend the hearing and present
105 any evidence in his or her defense, including evidence to show that the event or act which may
106 result in suspension or revocation has been corrected to the director's satisfaction, and that he or
107 she may be represented by counsel at the hearing.
108 (3) At any hearing before the director conducted under this subsection, the director or
109 his or her designated hearing officer shall consider all evidence relevant to the issue of whether
110 the license should be suspended or revoked due to the occurrence of any of the acts set forth in
111 subsection 5 herein. Within twenty business days after such hearing, the director or his or her
112 designated hearing officer shall issue a written order, with findings of fact and conclusions of
113 law, which either grants or denies the issuance of an order of suspension or revocation. The
114 suspension or revocation shall be effective ten days after the date of the order. The written order
115 of the director or his or her hearing officer shall be the final decision of the director and shall be
116 subject to judicial review under the provisions of chapter 536.
117 (4) Notwithstanding the provisions of this chapter or chapter 610 or 621 to the contrary,
118 the proceedings under this **[**section**] subsection** shall be closed and no order shall be made public
119 until it is final, for purposes of appeal.
120 7. In lieu of acting under subsection 2 or 6 of this section, the department of revenue may
121 enter into an agreement with the holder of the license to ensure future compliance with sections
122 301.210, 301.213, 307.380, sections 301.217 to 301.229, and sections 301.550 to 301.580. Such
123 agreement may include an assessment fee not to exceed five hundred dollars per violation or five
124 thousand dollars in the aggregate unless otherwise permitted by law, probation terms and
125 conditions, and other requirements as may be deemed appropriate by the department of revenue
126 and the holder of the license. Any fees collected by the department of revenue under this
127 subsection shall be deposited into the motor vehicle commission fund created in section 301.560.
128
129 EXPLANATION: CHANGES THE LANGUAGE IN PARAGRAPH (a) OF SUBDIVISION
130 (10) OF SUBSECTION 2 TO COMPLY WITH FEDERAL LAW:

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial
2 Driver's License Act".
3 2. When used in sections 302.700 to 302.780, the following words and phrases mean:
4 (1) "Alcohol", any substance containing any form of alcohol, including, but not limited
5 to, ethanol, methanol, propanol and isopropanol;

6 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number
8 of grams of alcohol per sixty-seven milliliters of urine;
9 (3) "CDL driver", a person holding or required to hold a commercial driver's license
10 (CDL);
11 (4) "CDLIS driver record", the electronic record of the individual commercial driver's
12 status and history stored by the state of record as part of the Commercial Driver's License
13 Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;
14 (5) "CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS
15 driver record which meets the requirements for access to CDLIS information and is provided by
16 states to users authorized in 49 CFR 384, subject to the provisions of the Driver Privacy
17 Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;
18 (6) "Commercial driver's instruction permit", a commercial learner's permit issued to an
19 individual by a state or other jurisdiction of domicile in accordance with the standards contained
20 in 49 CFR 383, which, when carried with a valid driver's license issued by the same state or
21 jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when
22 accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel
23 training. When issued to a commercial driver's license holder, a commercial learner's permit
24 serves as authorization for accompanied behind-the-wheel training in a commercial motor
25 vehicle for which the holder's current commercial driver's license is not valid;
26 (7) "Commercial driver's license (CDL)", a license issued by this state or other
27 jurisdiction of domicile in accordance with 49 CFR 383 which authorizes the individual to
28 operate a class of commercial motor vehicle;
29 (8) "Commercial driver's license downgrade", occurs when:
30 (a) A driver changes the self-certification to interstate, but operates exclusively in
31 transportation or operation excepted from 49 CFR 391, as provided in 49 CFR 390.3(f), 391.2,
32 391.68, or 398.3;
33 (b) A driver changes the self-certification to intrastate only, if the driver qualifies under
34 the state's physical qualification requirements for intrastate only;
35 (c) A driver changes the self-certification to intrastate, but operating exclusively in
36 transportation or operations excepted from all or part of the state driver qualification
37 requirements; or
38 (d) The state removes the commercial driver's license privilege from the driver's license;
39 (9) "Commercial driver's license information system (CDLIS)", the information system
40 established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law

99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(10) "Commercial motor vehicle", a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property:

(a) If the vehicle has a gross combination weight rating or gross combination weight of twenty-six thousand one or more pounds**, whichever is greater,** inclusive of a towed unit which has a gross vehicle weight rating or gross vehicle weight of more than ten thousand **[**one**]** pounds **[**or more**]**, whichever is greater;

(b) If the vehicle has a gross vehicle weight rating or gross vehicle weight of twenty-six thousand one or more pounds, whichever is greater;

(c) If the vehicle is designed to transport sixteen or more passengers, including the driver; or

(d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. Section 1801, et seq.);

(11) "Controlled substance", any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)), and includes all substances listed in Schedules I through V of 21 CFR 1308, as they may be revised from time to time;

(12) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

(13) "Director", the director of revenue or his authorized representative;

(14) "Disqualification", any of the following three actions:

(a) The suspension, revocation, or cancellation of a commercial driver's license or commercial driver's instruction permit;

(b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a state, Canada, or Mexico as the result of a violation of federal, state, county, municipal, or local law relating to motor vehicle traffic control or violations committed through the operation of motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

(c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR 383.52 or 391;

(15) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

(16) "Driver", any person who drives, operates, or is in physical control of a motor vehicle, or who is required to hold a commercial driver's license;

77 (17) "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew
78 a commercial driver's license or commercial driver's instruction permit in this state;
79 (18) "Driving under the influence of alcohol", the commission of any one or more of the
80 following acts:
81 (a) Driving a commercial motor vehicle with the alcohol concentration of four
82 one-hundredths of a percent or more as prescribed by the Secretary or such other alcohol
83 concentration as may be later determined by the Secretary by regulation;
84 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation
85 of any federal or state law, or in violation of a county or municipal ordinance;
86 (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol
87 content in violation of any federal or state law, or in violation of a county or municipal
88 ordinance;
89 (d) Refusing to submit to a chemical test in violation of section 302.574, section
90 302.750, any federal or state law, or a county or municipal ordinance; or
91 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined
92 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to
93 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years
94 of age or older shall have been committed by the person with an alcohol concentration of at least
95 eight-hundredths of one percent or more, or in the case of an individual who is less than
96 twenty-one years of age, shall have been committed by the person with an alcohol concentration
97 of at least two-hundredths of one percent or more, and if committed in a commercial motor
98 vehicle, a concentration of four-hundredths of one percent or more;
99 (19) "Driving under the influence of a controlled substance", the commission of any one
100 or more of the following acts in a commercial or noncommercial motor vehicle:
101 (a) Driving a commercial or noncommercial motor vehicle while under the influence of
102 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.
103 Section 802(6)), including any substance listed in Schedules I through V of 21 CFR 1308, as they
104 may be revised from time to time;
105 (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition
106 in violation of any federal or state law or in violation of a county or municipal ordinance; or
107 (c) Refusing to submit to a chemical test in violation of section 302.574, section
108 302.750, any federal or state law, or a county or municipal ordinance;
109 (20) "Electronic device", includes but is not limited to a cellular telephone, personal
110 digital assistant, pager, computer, or any other device used to input, write, send, receive, or read
111 text;

112 (21) "Employer", any person, including the United States, a state, or a political
113 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
114 operate such a vehicle;
115 (22) "Endorsement", an authorization on an individual's commercial driver's license or
116 commercial learner's permit required to permit the individual to operate certain types of
117 commercial motor vehicles;
118 (23) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer
119 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,
120 or a combination of these, within one hundred fifty miles of the farm, other than one which
121 requires placarding for hazardous materials as defined in this section, or used in the operation
122 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial
123 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand
124 one pounds when transporting fertilizers as defined in subdivision (29) of this subsection;
125 (24) "Fatality", the death of a person as a result of a motor vehicle accident;
126 (25) "Felony", any offense under state or federal law that is punishable by death or
127 imprisonment for a term exceeding one year;
128 (26) "Foreign", outside the fifty states of the United States and the District of Columbia;
129 (27) "Gross combination weight rating" or "GCWR", the value specified by the
130 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a
131 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the
132 power unit and the total weight of the towed unit and any load thereon;
133 (28) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer
134 as the loaded weight of a single vehicle;
135 (29) "Hazardous materials", any material that has been designated as hazardous under
136 49 U.S.C. Section 5103 and is required to be placarded under subpart F of CFR 172 or any
137 quantity of a material listed as a select agent or toxin in 42 CFR 73. Fertilizers, including but
138 not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor
139 fuel or special fuel, shall not be considered hazardous materials when transported by a farm
140 vehicle provided all other provisions of this definition are followed;
141 (30) "Imminent hazard", the existence of a condition that presents a substantial
142 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to
143 health, property, or the environment may occur before the reasonably foreseeable completion
144 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or
145 endangerment;
146 (31) "Issuance", the initial licensure, license transfers, license renewals, and license
147 upgrades;

148 (32) "Manual transmission" (also known as a stick shift, stick, straight drive or standard
149 transmission), a transmission utilizing a driver-operated clutch that is activated by a pedal or
150 lever and a gear-shift mechanism operated either by hand or foot. All other transmissions,
151 whether semiautomatic or automatic, will be considered automatic for the purposes of the
152 standardized restriction code;
153 (33) "Medical examiner", a person who is licensed, certified, or registered, in accordance
154 with applicable state laws and regulations, to perform physical examinations. The term includes,
155 but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced
156 practice nurses, and doctors of chiropractic;
157 (34) "Medical variance", when a driver has received one of the following that allows the
158 driver to be issued a medical certificate:
159 (a) An exemption letter permitting operation of a commercial motor vehicle under 49
160 CFR 381, Subpart C or 49 CFR 391.64;
161 (b) A skill performance evaluation certificate permitting operation of a commercial
162 motor vehicle under 49 CFR 391.49;
163 (35) "Mobile telephone", a mobile communication device that is classified as or uses any
164 commercial mobile radio service, as defined in the regulations of the Federal Communications
165 Commission, 47 CFR 20.3, but does not include two-way or citizens band radio services;
166 (36) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;
167 (37) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles
168 not defined by the term commercial motor vehicle in this section;
169 (38) "Out of service", a temporary prohibition against the operation of a commercial
170 motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle,
171 or the operation of a particular motor carrier;
172 (39) "Out-of-service order", a declaration by an authorized enforcement officer of a
173 federal, state, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor
174 vehicle, or a motor carrier operation, is out of service under 49 CFR 386.72, 392.5, 392.9a,
175 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;
176 (40) "School bus", a commercial motor vehicle used to transport preprimary, primary,
177 or secondary school students from home to school, from school to home, or to and from
178 school-sponsored events. School bus does not include a bus used as a common carrier as defined
179 by the Secretary;
180 (41) "Secretary", the Secretary of Transportation of the United States;
181 (42) "Serious traffic violation", driving a commercial motor vehicle in such a manner
182 that the driver receives a conviction for the following offenses or driving a noncommercial motor
183 vehicle when the driver receives a conviction for the following offenses and the conviction

184 results in the suspension or revocation of the driver's license or noncommercial motor vehicle
185 driving privilege:
186 (a) Excessive speeding, as defined by the Secretary by regulation;
187 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,
188 any violation of section 304.016, any violation of section 304.010, or any other violation of
189 federal or state law, or any county or municipal ordinance while driving a commercial motor
190 vehicle in a willful or wanton disregard for the safety of persons or property, or improper or
191 erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include
192 careless and imprudent driving by excessive speed;
193 (c) A violation of any federal or state law or county or municipal ordinance regulating
194 the operation of motor vehicles arising out of an accident or collision which resulted in death to
195 any person, other than a parking violation;
196 (d) Driving a commercial motor vehicle without obtaining a commercial driver's license
197 in violation of any federal or state or county or municipal ordinance;
198 (e) Driving a commercial motor vehicle without a commercial driver's license in the
199 driver's possession in violation of any federal or state or county or municipal ordinance. Any
200 individual who provides proof to the court which has jurisdiction over the issued citation that the
201 individual held a valid commercial driver's license on the date that the citation was issued shall
202 not be guilty of this offense;
203 (f) Driving a commercial motor vehicle without the proper commercial driver's license
204 class or endorsement for the specific vehicle group being operated or for the passengers or type
205 of cargo being transported in violation of any federal or state law or county or municipal
206 ordinance;
207 (g) Violating a state or local law or ordinance on motor vehicle traffic control prohibiting
208 texting while driving a commercial motor vehicle;
209 (h) Violating a state or local law or ordinance on motor vehicle traffic control restricting
210 or prohibiting the use of a hand-held mobile telephone while driving a commercial motor
211 vehicle; or
212 (i) Any other violation of a federal or state law or county or municipal ordinance
213 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the
214 Secretary by regulation;
215 (43) "State", a state of the United States, including the District of Columbia;
216 (44) "Tank vehicle", any commercial motor vehicle that is designed to transport any
217 liquid or gaseous materials within a tank or tanks having an individual rated capacity of more
218 than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or
219 more that is either permanently or temporarily attached to the vehicle or the chassis. A

220 commercial motor vehicle transporting an empty storage container tank, not designed for
221 transportation, with a rated capacity of one thousand gallons or more, that is temporarily attached
222 to a flatbed trailer is not considered a tank vehicle;
223 (45) "Texting", manually entering alphanumeric text into, or reading text from, an
224 electronic device. This action includes but is not limited to short message service, emailing,
225 instant messaging, commanding or requesting access to a website, pressing more than a single
226 button to initiate or terminate a voice communication using a mobile telephone, or engaging in
227 any other form of electronic text retrieval or entry, for present or future communication. Texting
228 does not include:
229 (a) Inputting, selecting, or reading information on a global positioning system or
230 navigation system;
231 (b) Pressing a single button to initiate or terminate a voice communication using a
232 mobile telephone; or
233 (c) Using a device capable of performing multiple functions (e.g., fleet management
234 systems, dispatching devices, smart phones, citizens band radios, music players) for a purpose
235 that is not otherwise prohibited in this part;
236 (46) "United States", the fifty states and the District of Columbia.
237
238 EXPLANATION: THIS SECTION CONTAINS INACCURATE INTERSECTIONAL
239 REFERENCES:

324.028. Any member authorized under the provisions of sections 256.459, 324.063,
2 324.177, 324.203, 324.243, 324.406, 324.478, 326.259, 327.031, **[**328.030, 329.190,**] 329.015,**
3 330.110, 331.090, 332.021, 333.151, 334.120, 334.430, 334.625, 334.717, **[**334.736,**] 334.749,**
4 334.830, 335.021, 336.130, 337.050, **337.535, 337.622, 337.739,** 338.110, 339.120, **[**340.210,**]**
5 **340.202,** 345.080, and 346.120 who misses three consecutive regularly scheduled meetings of
6 the board or council on which he serves shall forfeit his membership on that board or council.
7 A new member shall be appointed to the respective board or council by the governor with the
8 advice and consent of the senate.
9
10 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL
11 REFERENCE IN SUBDIVISION (7):

324.159. The board shall:
2 (1) Adopt and publish a code of ethics;
3 (2) Establish the qualifications and fitness of applicants of licenses, renewal of licenses
4 and reciprocal licenses;

5 (3) Revoke, suspend or deny a license, suspend a license or reprimand a license holder
6 for a violation of sections 324.125 to 324.183, the code of ethics or the rules adopted by the
7 board;
8 (4) Provide for the expenditure of funds necessary for the proper administration of its
9 assigned duties;
10 (5) Establish reasonable and necessary fees for the administration and implementation
11 of sections 324.125 to 324.183. Fees shall be established at a rate that does not significantly
12 exceed the cost of administering the provisions of sections 324.125 to 324.183;
13 (6) Establish continuing professional education requirements for licensed clinical
14 perfusionists and provisional licensed clinical perfusionists, the standards of which shall be at
15 least as stringent as those of the American Board of Cardiovascular Perfusion or its successor
16 agency;
17 (7) Within the limits of its appropriation, employ and remove board personnel, as
18 defined in subdivision (4) of subsection **[**10**] 11** of section 324.001 as may be necessary for the
19 efficient operation of the board;
20 (8) Adopt the training and clinical competency requirements established by the
21 department of health and senior services through hospital licensing regulations promulgated
22 pursuant to chapter 197. The provisions of sections 324.125 to 324.183 to the contrary
23 notwithstanding, the board shall not regulate a perfusionist's training, education or fitness to
24 practice except as specifically provided by the hospital licensing regulations of the department
25 of health and senior services. In promulgating such regulations, the department of health and
26 senior services shall adopt the standards of the American Board of Cardiovascular Perfusion, or
27 its successor organization, or comparable standards for training and experience. The department
28 shall by rule and regulation provide that individuals providing perfusion services who do meet
29 such standards may continue their employment in accordance with section 324.130. The
30 department shall also establish standards for provisional licensed clinical perfusionists pursuant
31 to section 324.147.
32
33 EXPLANATION: THIS SECTION CHANGES THE LANGUAGE IN SUBSECTION 4 FOR
34 CONSISTENCY WITH SECTION 304.028:

324.406. 1. There is hereby created within the division of professional registration a
2 council to be known as the "Interior Design Council". The council shall consist of four interior
3 designers and one public member appointed by the governor with the advice and consent of the
4 senate. The governor shall give due consideration to the recommendations by state organizations
5 of the interior design profession for the appointment of the interior design members to the
6 council. Council members shall be appointed to serve a term of four years; except that of the

7 members first appointed, one interior design member and the public member shall be appointed
8 for terms of four years, one member shall be appointed for a term of three years, one member
9 shall be appointed for a term of two years and one member shall be appointed for a term of one
10 year. No member of the council shall serve more than two terms.
11 2. Each council member, other than the public member, shall be a citizen of the United
12 States, a resident of the state of Missouri for at least one year, meet the qualifications for
13 professional registration, practice interior design as the person's principal livelihood and, except
14 for the first members appointed, be registered pursuant to sections 324.400 to 324.439 as an
15 interior designer.
16 3. The public member shall be, at the time of such person's appointment, a citizen of the
17 United States, a registered voter, a person who is not and never was a member of the profession
18 regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does
19 not have and never has had a material financial interest in the providing of the professional
20 services regulated by sections 324.400 to 324.439. The duties of the public member shall not
21 include the determination of the technical requirements for the registration of persons as interior
22 designers.
23 **4.** The provisions of section 324.028 pertaining to **[**public**]** members of certain state
24 boards and commissions shall apply to **[**the public member**] all members** of the council.
25 **[**4.**] 5.** Members of the council may be removed from office for cause. Upon the death,
26 resignation or removal from office of any member of the council, the appointment to fill the
27 vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same
28 manner as the first appointment and due notice be given to the state organizations of the interior
29 design profession prior to the appointment.
30 **[**5.**] 6.** Each member of the council may receive as compensation an amount set by the
31 division not to exceed fifty dollars per day and shall be reimbursed for the member's reasonable
32 and necessary expenses incurred in the official performance of the member's duties as a member
33 of the council. The director shall establish by rule guidelines for payment.
34 **[**6.**] 7.** The council shall meet at least twice each year and advise the division on matters
35 within the scope of sections 324.400 to 324.439. The organization of the council shall be
36 established by the members of the council.
37 **[**7.**] 8.** The council may sue and be sued as the interior design council and the council
38 members need not be named as parties. Members of the council shall not be personally liable
39 either jointly or severally for any act committed in the performance of their official duties as
40 council members. No council member shall be personally liable for any costs which accrue in
41 any action by or against the council.
42

43 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL
44 REFERENCE IN SUBSECTION 2:

326.265. 1. The board shall elect annually one of its members as president, one as vice
2 president, one as secretary and one as treasurer, and shall make an annual report to the governor
3 and the general assembly. The board shall file and preserve all written applications, petitions,
4 complaints, charges or requests made or presented to the board and all affidavits and other
5 verified documents, and shall keep accurate records and minutes of its proceedings. A copy of
6 any entry in the register, or of any records or minutes of the board, certified by the president or
7 secretary of the board under its seal shall constitute and have the full force and effect of the
8 original.
9 2. The board may employ legal counsel and board personnel as defined in subdivision
10 (4) of subsection **[**10**] 11** of section 324.001 and incur such travel and other expense as in its
11 judgment shall be necessary for the effective administration of this chapter.
12 3. The board may also appoint a continuing education committee of not less than five
13 members consisting of certified public accountants of this state. Such committee shall:
14 (1) Evaluate continuing education programs to determine if they meet continuing
15 education regulations adopted by the board;
16 (2) Consider applications for exceptions to continuing education regulations adopted
17 pursuant to the provisions of section 326.271; and
18 (3) Consider other matters regarding continuing education as may be assigned by the
19 board.
20
21 EXPLANATION: THE TWO LISTS OF PROFESSIONALS IN SUBSECTION 1 ARE
22 INCONSISTENT; ADDITIONAL LANGUAGE IS ADDED TO THE SECOND LIST TO
23 MAKE IT CONSISTENT:

327.451. 1. Any person who believes that an architect or a professional engineer or a
2 professional land surveyor or a professional landscape architect has acted or failed to act so that
3 his or her license or certificate of authority should, pursuant to the provisions of this chapter, be
4 suspended or revoked, or who believes that any applicant for a license or certificate of authority
5 pursuant to the provisions of this chapter is not entitled to a license or a certificate of authority,
6 may file a written affidavit with the executive director of the board which the affiant shall sign
7 and swear to and in which the affiant shall clearly set forth the reasons for the affiant's charge
8 or charges that the license or certificate of an architect or professional engineer or professional
9 land surveyor **or professional landscape architect** should be suspended or revoked or not
10 renewed or that a license or certificate should not be issued to an applicant.

2. If the affidavit so filed does not contain statements of fact which if true would authorize, pursuant to the provisions of this chapter, suspension or revocation of the accused's license or certificate, or does not contain statements of fact which if true would authorize, pursuant to the provisions of this chapter, the refusal of the renewal of an existing license or certificate or the refusal of a license or certificate to an applicant, the board shall either dismiss the charge or charges or, within its discretion, cause an investigation to be made of the charges contained in the affidavit, after which investigation the board shall either dismiss the charge or charges or proceed against the accused by written complaint as provided in subsection 3 of this section.

3. If the affidavit contains statements of fact which if true would authorize pursuant to the provisions of this chapter the revocation or suspension of an accused's license or certificate, the board shall cause an investigation to be made of the charge or charges contained in the affidavit and unless the investigation discloses the falsity of the facts upon which the charge or charges in the affidavit are based, the board shall file with and in the administrative hearing commission a written complaint against the accused setting forth the cause or causes for which the accused's license or certificate of authority should be suspended or revoked. Thereafter, the board shall be governed by and shall proceed in accordance with the provisions of chapter 621.

4. If the charges contained in the affidavit filed with the board would constitute a cause or causes for which pursuant to the provisions of this chapter an accused's license or certificate of authority should not be renewed or a cause or causes for which pursuant to the provisions of this chapter a certificate should not be issued, the board shall cause an investigation to be made of the charge or charges and unless the investigation discloses the falsity of the facts upon which the charge or charges contained in the affidavit are based, the board shall refuse to permit an applicant to be examined upon the applicant's qualifications for licensure or shall refuse to issue or renew a license or certificate of authority, as the case may require.

5. The provisions of this section shall not be so construed as to prevent the board on its own initiative from instituting and conducting investigations and based thereon to make written complaints in and to the administrative hearing commission.

6. If for any reason the provisions of chapter 621 become inapplicable to the board, then, and in that event, the board shall proceed to charge, adjudicate and otherwise act in accordance with the provisions of chapter 536.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBDIVISION (5) OF SUBSECTION 1:

329.025. 1. The board shall have power to:

(1) Prescribe by rule for the examination of applicants for licensure to practice the classified occupations of barbering and cosmetology and issue licenses;

(2) Prescribe by rule for the inspection of barber and cosmetology establishments and schools and appoint the necessary inspectors and examining assistants;

(3) Prescribe by rule for the inspection of establishments and schools of barbering and cosmetology as to their sanitary conditions and to appoint the necessary inspectors and, if necessary, examining assistants;

(4) Set the amount of the fees that this chapter and chapter 328, authorize and require, by rules promulgated under section 536.021. The fees shall be set at a level sufficient to produce revenue that shall not substantially exceed the cost and expense of administering this chapter and chapter 328;

(5) Employ and remove board personnel, as set forth in subdivision (4) of subsection **[**10**] 11** of section 324.001, including an executive secretary or comparable position, inspectors, investigators, legal counsel and secretarial support staff, as may be necessary for the efficient operation of the board, within the limitations of its appropriation;

(6) Elect one of its members president, one vice president, and one secretary with the limitation that no single profession can hold the positions of president and vice president at the same time;

(7) Promulgate rules necessary to carry out the duties and responsibilities designated by this chapter and chapter 328;

(8) Determine the sufficiency of the qualifications of applicants; and

(9) Prescribe by rule the minimum standards and methods of accountability for the schools of barbering and cosmetology licensed under this chapter and chapter 328.

2. The board shall create no expense exceeding the sum received from time to time from fees imposed under this chapter and chapter 328.

3. A majority of the board, with at least one representative of each profession being present, shall constitute a quorum for the transaction of business.

4. The board shall meet not less than six times annually.

5. 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 chapter and chapter 328 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, 2001, shall be invalid and void.

38 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL
39 REFERENCE:

330.190. The board shall investigate all complaints of violations of the provisions of this
2 chapter as provided in section 324.002 and shall report any such violations to the proper
3 prosecuting officers or other public officials charged with the enforcement of the provisions of
4 this chapter. The board may employ such board personnel, as defined in subdivision (4) of
5 subsection **[**10**] 11** of section 324.001, as it deems necessary within appropriations therefor.
6
7 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL
8 REFERENCE IN SUBSECTION 3:

332.041. 1. The board shall meet at least twice a year at such times and places in the
2 state of Missouri as may be fixed by the board. The board shall elect from its membership a
3 president, a vice president, and a secretary-treasurer, each of whom shall be elected at the times
4 and serve for the terms as are determined by the board, and each of whose duties shall be
5 prescribed by the board.
6 2. The board shall keep records of its official acts, and certified copies of any such
7 records attested by a designee of the board with the board's seal affixed shall be received as
8 evidence in all courts to the same extent as the board's original records would be received.
9 3. Each member of the board shall receive as compensation an amount set by the board
10 not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled
11 to reimbursement of his expenses necessarily incurred in the discharge of his official duties. The
12 board may employ and pay legal counsel and such board personnel, as defined in subdivision (4)
13 of subsection **[**10**] 11** of section 324.001, as it deems necessary within appropriations therefor.
14
15 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN
16 SUBDIVISION (18) OF SUBSECTION 2:

334.100. 1. The board may refuse to issue or renew any certificate of registration or
2 authority, permit or license required pursuant to this chapter for one or any combination of
3 causes stated in subsection 2 of this section. The board shall notify the applicant in writing of
4 the reasons for the refusal and shall advise the applicant of the applicant's right to file a
5 complaint with the administrative hearing commission as provided by chapter 621. As an
6 alternative to a refusal to issue or renew any certificate, registration or authority, the board may,
7 at its discretion, issue a license which is subject to probation, restriction or limitation to an
8 applicant for licensure for any one or any combination of causes stated in subsection 2 of this
9 section. The board's order of probation, limitation or restriction shall contain a statement of the
10 discipline imposed, the basis therefor, the date such action shall become effective, and a

11 statement that the applicant has thirty days to request in writing a hearing before the
12 administrative hearing commission. If the board issues a probationary, limited or restricted
13 license to an applicant for licensure, either party may file a written petition with the
14 administrative hearing commission within thirty days of the effective date of the probationary,
15 limited or restricted license seeking review of the board's determination. If no written request for
16 a hearing is received by the administrative hearing commission within the thirty-day period, the
17 right to seek review of the board's decision shall be considered as waived.

18 2. The board may cause a complaint to be filed with the administrative hearing
19 commission as provided by chapter 621 against any holder of any certificate of registration or
20 authority, permit or license required by this chapter or any person who has failed to renew or has
21 surrendered the person's certificate of registration or authority, permit or license for any one or
22 any combination of the following causes:

23 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to
24 an extent that such use impairs a person's ability to perform the work of any profession licensed
25 or regulated by this chapter;

26 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
27 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,
28 for any offense reasonably related to the qualifications, functions or duties of any profession
29 licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an
30 act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

31 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
32 registration or authority, permit or license issued pursuant to this chapter or in obtaining
33 permission to take any examination given or required pursuant to this chapter;

34 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or
35 unprofessional conduct in the performance of the functions or duties of any profession licensed
36 or regulated by this chapter, including, but not limited to, the following:

37 (a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
38 fraud, deception or misrepresentation; willfully and continually overcharging or overtreating
39 patients; or charging for visits to the physician's office which did not occur unless the services
40 were contracted for in advance, or for services which were not rendered or documented in the
41 patient's records;

42 (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to
43 obtain or retain a patient or discourage the use of a second opinion or consultation;

44 (c) Willfully and continually performing inappropriate or unnecessary treatment,
45 diagnostic tests or medical or surgical services;

46 (d) Delegating professional responsibilities to a person who is not qualified by training,
47 skill, competency, age, experience or licensure to perform such responsibilities;
48 (e) Misrepresenting that any disease, ailment or infirmity can be cured by a method,
49 procedure, treatment, medicine or device;
50 (f) Performing or prescribing medical services which have been declared by board rule
51 to be of no medical or osteopathic value;
52 (g) Final disciplinary action by any professional medical or osteopathic association or
53 society or licensed hospital or medical staff of such hospital in this or any other state or territory,
54 whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension,
55 limitation, or restriction of the person's license or staff or hospital privileges, failure to renew
56 such privileges or license for cause, or other final disciplinary action, if the action was in any way
57 related to unprofessional conduct, professional incompetence, malpractice or any other violation
58 of any provision of this chapter;
59 (h) Signing a blank prescription form; or dispensing, prescribing, administering or
60 otherwise distributing any drug, controlled substance or other treatment without sufficient
61 examination including failing to establish a valid physician-patient relationship pursuant to
62 section 334.108, or for other than medically accepted therapeutic or experimental or investigative
63 purposes duly authorized by a state or federal agency, or not in the course of professional
64 practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical
65 infirmity or disease, except as authorized in section 334.104;
66 (i) Exercising influence within a physician-patient relationship for purposes of engaging
67 a patient in sexual activity;
68 (j) Being listed on any state or federal sexual offender registry;
69 (k) Terminating the medical care of a patient without adequate notice or without making
70 other arrangements for the continued care of the patient;
71 (l) Failing to furnish details of a patient's medical records to other treating physicians or
72 hospitals upon proper request; or failing to comply with any other law relating to medical
73 records;
74 (m) Failure of any applicant or licensee to cooperate with the board during any
75 investigation;
76 (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an
77 order of the board;
78 (o) Failure to timely pay license renewal fees specified in this chapter;
79 (p) Violating a probation agreement, order, or other settlement agreement with this board
80 or any other licensing agency;
81 (q) Failing to inform the board of the physician's current residence and business address;

82 (r) Advertising by an applicant or licensee which is false or misleading, or which violates
83 any rule of the board, or which claims without substantiation the positive cure of any disease, or
84 professional superiority to or greater skill than that possessed by any other physician. An
85 applicant or licensee shall also be in violation of this provision if the applicant or licensee has
86 a financial interest in any organization, corporation or association which issues or conducts such
87 advertising;
88 (s) Any other conduct that is unethical or unprofessional involving a minor;
89 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or
90 physical health of a patient or the public; or incompetency, gross negligence or repeated
91 negligence in the performance of the functions or duties of any profession licensed or regulated
92 by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure,
93 on more than one occasion, to use that degree of skill and learning ordinarily used under the
94 same or similar circumstances by the member of the applicant's or licensee's profession;
95 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
96 any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or
97 regulation adopted pursuant to this chapter or chapter 324;
98 (7) Impersonation of any person holding a certificate of registration or authority, permit
99 or license or allowing any person to use his or her certificate of registration or authority, permit,
100 license or diploma from any school;
101 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,
102 censure, probation or other final disciplinary action against the holder of or applicant for a
103 license or other right to practice any profession regulated by this chapter by another state,
104 territory, federal agency or country, whether or not voluntarily agreed to by the licensee or
105 applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing
106 the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject
107 to an investigation or while actually under investigation by any licensing authority, medical
108 facility, branch of the Armed Forces of the United States of America, insurance company, court,
109 agency of the state or federal government, or employer;
110 (9) A person is finally adjudged incapacitated or disabled by a court of competent
111 jurisdiction;
112 (10) Assisting or enabling any person to practice or offer to practice any profession
113 licensed or regulated by this chapter who is not registered and currently eligible to practice
114 pursuant to this chapter; or knowingly performing any act which in any way aids, assists,
115 procures, advises, or encourages any person to practice medicine who is not registered and
116 currently eligible to practice pursuant to this chapter. A physician who works in accordance with

117 standing orders or protocols or in accordance with the provisions of section 334.104 shall not be
118 in violation of this subdivision;
119 (11) Issuance of a certificate of registration or authority, permit or license based upon
120 a material mistake of fact;
121 (12) Failure to display a valid certificate or license if so required by this chapter or any
122 rule promulgated pursuant to this chapter;
123 (13) Violation of the drug laws or rules and regulations of this state, including but not
124 limited to any provision of chapter 195, any other state, or the federal government;
125 (14) Knowingly making, or causing to be made, or aiding, or abetting in the making of,
126 a false statement in any birth, death or other certificate or document executed in connection with
127 the practice of the person's profession;
128 (15) Knowingly making a false statement, orally or in writing to the board;
129 (16) Soliciting patronage in person or by agents or representatives, or by any other means
130 or manner, under the person's own name or under the name of another person or concern, actual
131 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or
132 necessity for or appropriateness of health care services for all patients, or the qualifications of
133 an individual person or persons to diagnose, render, or perform health care services;
134 (17) Using, or permitting the use of, the person's name under the designation of
135 "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial
136 exploitation of any goods, wares or merchandise;
137 (18) Knowingly making or causing to be made a false statement or misrepresentation of
138 a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or
139 chapter 630 or for payment from Title XVIII or Title XIX of the **[**federal Medicare program**]**
140 **Social Security Act**;
141 (19) Failure or refusal to properly guard against contagious, infectious or communicable
142 diseases or the spread thereof; maintaining an unsanitary office or performing professional
143 services under unsanitary conditions; or failure to report the existence of an unsanitary condition
144 in the office of a physician or in any health care facility to the board, in writing, within thirty
145 days after the discovery thereof;
146 (20) Any candidate for licensure or person licensed to practice as a physical therapist,
147 paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary,
148 practicing or offering to practice professional physical therapy independent of the prescription
149 and direction of a person licensed and registered as a physician and surgeon pursuant to this
150 chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an
151 advanced practice registered nurse under chapter 335, or any licensed and registered physician,

152 dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose
153 license is in good standing;
154 (21) Any candidate for licensure or person licensed to practice as a physical therapist,
155 treating or attempting to treat ailments or other health conditions of human beings other than by
156 professional physical therapy and as authorized by sections 334.500 to 334.620;
157 (22) Any person licensed to practice as a physician or surgeon, requiring, as a condition
158 of the physician-patient relationship, that the patient receive prescribed drugs, devices or other
159 professional services directly from facilities of that physician's office or other entities under that
160 physician's ownership or control. A physician shall provide the patient with a prescription which
161 may be taken to the facility selected by the patient and a physician knowingly failing to disclose
162 to a patient on a form approved by the advisory commission for professional physical therapists
163 as established by section 334.625 which is dated and signed by a patient or guardian
164 acknowledging that the patient or guardian has read and understands that the physician has a
165 pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment
166 and that the prescribed treatment is available on a competitive basis. This subdivision shall not
167 apply to a referral by one physician to another physician within a group of physicians practicing
168 together;
169 (23) A pattern of personal use or consumption of any controlled substance unless it is
170 prescribed, dispensed or administered by another physician who is authorized by law to do so;
171 (24) Habitual intoxication or dependence on alcohol, evidence of which may include
172 more than one alcohol-related enforcement contact as defined by section 302.525;
173 (25) Failure to comply with a treatment program or an aftercare program entered into as
174 part of a board order, settlement agreement or licensee's professional health program;
175 (26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever
176 of any controlled substance authority, whether agreed to voluntarily or not, or voluntary
177 termination of a controlled substance authority while under investigation;
178 (27) For a physician to operate, conduct, manage, or establish an abortion facility, or for
179 a physician to perform an abortion in an abortion facility, if such facility comes under the
180 definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such
181 facility has failed to obtain or renew a license as an ambulatory surgical center.
182 3. Collaborative practice arrangements, protocols and standing orders shall be in writing
183 and signed and dated by a physician prior to their implementation.
184 4. After the filing of such complaint before the administrative hearing commission, the
185 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding
186 by the administrative hearing commission that the grounds, provided in subsection 2 of this
187 section, for disciplinary action are met, the board may, singly or in combination, warn, censure

188 or place the person named in the complaint on probation on such terms and conditions as the
189 board deems appropriate for a period not to exceed ten years, or may suspend the person's
190 license, certificate or permit for a period not to exceed three years, or restrict or limit the person's
191 license, certificate or permit for an indefinite period of time, or revoke the person's license,
192 certificate, or permit, or administer a public or private reprimand, or deny the person's
193 application for a license, or permanently withhold issuance of a license or require the person to
194 submit to the care, counseling or treatment of physicians designated by the board at the expense
195 of the individual to be examined, or require the person to attend such continuing educational
196 courses and pass such examinations as the board may direct.
197 5. In any order of revocation, the board may provide that the person may not apply for
198 reinstatement of the person's license for a period of time ranging from two to seven years
199 following the date of the order of revocation. All stay orders shall toll this time period.
200 6. Before restoring to good standing a license, certificate or permit issued pursuant to this
201 chapter which has been in a revoked, suspended or inactive state for any cause for more than two
202 years, the board may require the applicant to attend such continuing medical education courses
203 and pass such examinations as the board may direct.
204 7. In any investigation, hearing or other proceeding to determine a licensee's or
205 applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall
206 be discoverable by the board and admissible into evidence, regardless of any statutory or
207 common law privilege which such licensee, applicant, record custodian or patient might
208 otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold
209 records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of
210 privilege between such licensee, applicant or record custodian and a patient.
211
212 EXPLANATION: UPDATES THE REFERENCE TO THE COMMISSION ON
213 ACCREDITATION IN PHYSICAL THERAPY EDUCATION IN SUBSECTION 7:

334.506. 1. As used in this section, "approved health care provider" means a person
2 holding a current and active license as a physician and surgeon under this chapter, a chiropractor
3 under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician
4 assistant under this chapter, an advanced practice registered nurse under chapter 335, or any
5 licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another
6 jurisdiction whose license is in good standing.
7 2. A physical therapist shall not initiate treatment for a new injury or illness without a
8 prescription from an approved health care provider.
9 3. A physical therapist may provide educational resources and training, develop fitness
10 or wellness programs for asymptomatic persons, or provide screening or consultative services

11 within the scope of physical therapy practice without the prescription and direction of an
12 approved health care provider.
13 4. A physical therapist may examine and treat without the prescription and direction of
14 an approved health care provider any person with a recurring self-limited injury within one year
15 of diagnosis by an approved health care provider or a chronic illness that has been previously
16 diagnosed by an approved health care provider. The physical therapist shall:
17 (1) Contact the patient's current approved health care provider within seven days of
18 initiating physical therapy services under this subsection;
19 (2) Not change an existing physical therapy referral available to the physical therapist
20 without approval of the patient's current approved health care provider;
21 (3) Refer to an approved health care provider any patient whose medical condition at the
22 time of examination or treatment is determined to be beyond the scope of practice of physical
23 therapy;
24 (4) Refer to an approved health care provider any patient whose condition for which
25 physical therapy services are rendered under this subsection has not been documented to be
26 progressing toward documented treatment goals after six visits or fourteen days, whichever first
27 occurs;
28 (5) Notify the patient's current approved health care provider prior to the continuation
29 of treatment if treatment rendered under this subsection is to continue beyond thirty days. The
30 physical therapist shall provide such notification for each successive period of thirty days.
31 5. The provision of physical therapy services of evaluation and screening pursuant to this
32 section shall be limited to a physical therapist, and any authority for evaluation and screening
33 granted within this section may not be delegated. Upon each reinitiation of physical therapy
34 services, a physical therapist shall provide a full physical therapy evaluation prior to the
35 reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the
36 provisions of subsection 4 of this section may be delegated by physical therapists to physical
37 therapist assistants only if the patient's current approved health care provider has been so
38 informed as part of the physical therapist's seven-day notification upon reinitiation of physical
39 therapy services as required in subsection 4 of this section. Nothing in this subsection shall be
40 construed as to limit the ability of physical therapists or physical therapist assistants to provide
41 physical therapy services in accordance with the provisions of this chapter, and upon the referral
42 of an approved health care provider. Nothing in this subsection shall prohibit an approved health
43 care provider from acting within the scope of their practice as defined by the applicable chapters
44 of RSMo.
45 6. No person licensed to practice, or applicant for licensure, as a physical therapist or
46 physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the **[**Commission for Accreditation of Physical Therapists and Physical Therapist Assistant**]** **Commission on Accreditation in Physical Therapy** Education (CAPTE) who satisfies supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry-level person shall be under on-site supervision of a physical therapist.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN SUBDIVISION (5) OF SUBSECTION 1:

334.570. 1. Every person licensed under sections 334.500 to 334.620 shall, on or before the registration renewal date, apply to the board for a certificate of registration for the ensuing licensing period. The application shall be made under oath on a form furnished to the applicant by the board. The application shall include, but not be limited to, disclosure of the following:

(1) The applicant's full name;

(2) The applicant's office address or addresses and telephone number or numbers;

(3) The applicant's home address and telephone number;

(4) The date and number of the applicant's license;

(5) All final disciplinary actions taken against the applicant by any professional association or society, licensed hospital or medical staff of a hospital, physical therapy facility, state, territory, federal agency or **[**county**]** **country**; and

(6) Information concerning the applicant's current physical and mental fitness to practice his or her profession.

The applicant may be required to successfully complete a test administered by the board on the laws and rules related to the practice of physical therapy. The test process, dates, and passing scores shall be established by the board by rule.

2. A notice for application for registration shall be made available to each person licensed in this state. The failure to receive the notice does not, however, relieve any person of the duty to register and pay the fee required by sections 334.500 to 334.620 nor exempt such person from the penalties provided by sections 334.500 to 334.620 for failure to register.

3. If a physical therapist does not renew such license for two consecutive renewal periods, such license shall be deemed void.

4. Each applicant for registration shall accompany the application for registration with a registration fee to be paid to the director of revenue for the licensing period for which registration is sought.

27 5. If the application is filed and the fee paid after the registration renewal date, a
28 delinquent fee shall be paid; except that, whenever in the opinion of the board the applicant's
29 failure to register is caused by extenuating circumstances including illness of the applicant, as
30 defined by rule, the delinquent fee may be waived by the board.
31 6. Upon application and submission by such person of evidence satisfactory to the board
32 that such person is licensed to practice in this state and upon the payment of fees required to be
33 paid by this chapter, the board shall issue to such person a certificate of registration. The
34 certificate of registration shall contain the name of the person to whom it is issued and his or her
35 office address, the expiration date, and the number of the license to practice.
36 7. Upon receiving such certificate, every person shall cause the certificate to be readily
37 available or conspicuously displayed at all times in every practice location maintained by such
38 person in the state. If the licensee maintains more than one practice location in this state, the
39 board shall, without additional fee, issue to such licensee duplicate certificates of registration for
40 each practice location so maintained. If any licensee changes practice locations during the period
41 for which any certificate of registration has been issued, the licensee shall, within fifteen days
42 thereafter, notify the board of such change and the board shall issue to the licensee, without
43 additional fee, a new registration certificate showing the new location.
44 8. Whenever any new license is granted to any physical therapist or physical therapist
45 assistant under the provisions of this chapter, the board shall, upon application therefor, issue to
46 such physical therapist or physical therapist assistant a certificate of registration covering a
47 period from the date of the issuance of the license to the next renewal date without the payment
48 of any registration fee.
49
50 EXPLANATION: UPDATES THE REFERENCE TO THE COMMISSION ON
51 ACCREDITATION IN PHYSICAL THERAPY EDUCATION:

334.610. Any person who holds himself or herself out to be a physical therapist or a
2 licensed physical therapist within this state or any person who advertises as a physical therapist
3 or claims that the person can render physical therapy services and who, in fact, does not hold a
4 valid physical therapist license is guilty of a class B misdemeanor and, upon conviction, shall
5 be punished as provided by law. Any person who, in any manner, represents himself or herself
6 as a physical therapist, or who uses in connection with such person's name the words or letters
7 "physical therapist", "physiotherapist", "registered physical therapist", "doctor of physical
8 therapy", "P.T.", "Ph.T.", "P.T.T.", "R.P.T.", "D.P.T.", "M.P.T.", or any other letters, words,
9 abbreviations or insignia, indicating or implying that the person is a physical therapist without
10 a valid existing license as a physical therapist issued to such person pursuant to the provisions
11 of sections 334.500 to 334.620, is guilty of a class B misdemeanor. Nothing in sections 334.500

12 to 334.620 shall prohibit any person licensed in this state under chapter 331 from carrying out
13 the practice for which the person is duly licensed, or from advertising the use of physiologic and
14 rehabilitative modalities; nor shall it prohibit any person licensed or registered in this state under
15 section 334.735 or any other law from carrying out the practice for which the person is duly
16 licensed or registered; nor shall it prevent professional and semiprofessional teams, schools,
17 YMCA clubs, athletic clubs and similar organizations from furnishing treatment to their players
18 and members. This section, also, shall not be construed so as to prohibit masseurs and
19 masseuses from engaging in their practice not otherwise prohibited by law and provided they do
20 not represent themselves as physical therapists. This section shall not apply to physicians and
21 surgeons licensed under this chapter or to a person in an entry level of a professional education
22 program approved by the **[**commission for accreditation of physical therapists and physical
23 therapist assistant education**]** **Commission on Accreditation in Physical Therapy Education**
24 (CAPTE) who is satisfying supervised clinical education requirements related to the person's
25 physical therapist or physical therapist assistant education while under on-site supervision of a
26 physical therapist; or to a physical therapist who is practicing in the United States Armed
27 **[**Services**]** **Forces**, United States Public Health Service, or Veterans Administration under federal
28 regulations for state licensure for health care providers.
29
30 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN
31 SUBDIVISION (16) OF SUBSECTION 2:

334.613. 1. The board may refuse to issue or renew a license to practice as a physical
2 therapist or physical therapist assistant for one or any combination of causes stated in subsection
3 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and
4 shall advise the applicant of the applicant's right to file a complaint with the administrative
5 hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew
6 a license to practice as a physical therapist or physical therapist assistant, the board may, at its
7 discretion, issue a license which is subject to probation, restriction, or limitation to an applicant
8 for licensure for any one or any combination of causes stated in subsection 2 of this section. The
9 board's order of probation, limitation, or restriction shall contain a statement of the discipline
10 imposed, the basis therefor, the date such action shall become effective, and a statement that the
11 applicant has thirty days to request in writing a hearing before the administrative hearing
12 commission. If the board issues a probationary, limited, or restricted license to an applicant for
13 licensure, either party may file a written petition with the administrative hearing commission
14 within thirty days of the effective date of the probationary, limited, or restricted license seeking
15 review of the board's determination. If no written request for a hearing is received by the

16 administrative hearing commission within the thirty-day period, the right to seek review of the
17 board's decision shall be considered as waived.
18 2. The board may cause a complaint to be filed with the administrative hearing
19 commission as provided by chapter 621 against any holder of a license to practice as a physical
20 therapist or physical therapist assistant who has failed to renew or has surrendered his or her
21 license for any one or any combination of the following causes:
22 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to
23 an extent that such use impairs a person's ability to perform the work of a physical therapist or
24 physical therapist assistant;
25 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
26 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,
27 for any offense reasonably related to the qualifications, functions, or duties of a physical therapist
28 or physical therapist assistant, for any offense an essential element of which is fraud, dishonesty,
29 or an act of violence, or for any offense involving moral turpitude, whether or not sentence is
30 imposed;
31 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of
32 registration or authority, permit, or license issued under this chapter or in obtaining permission
33 to take any examination given or required under this chapter;
34 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or
35 unprofessional conduct in the performance of the functions or duties of a physical therapist or
36 physical therapist assistant, including but not limited to the following:
37 (a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by
38 fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating
39 patients; or charging for sessions of physical therapy which did not occur unless the services
40 were contracted for in advance, or for services which were not rendered or documented in the
41 patient's records;
42 (b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to
43 obtain or retain a patient or discourage the use of a second opinion or consultation;
44 (c) Willfully and continually performing inappropriate or unnecessary treatment or
45 services;
46 (d) Delegating professional responsibilities to a person who is not qualified by training,
47 skill, competency, age, experience, or licensure to perform such responsibilities;
48 (e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method,
49 procedure, treatment, medicine, or device;
50 (f) Performing services which have been declared by board rule to be of no physical
51 therapy value;

52 (g) Final disciplinary action by any professional association, professional society,
53 licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other
54 state or territory, whether agreed to voluntarily or not, and including but not limited to any
55 removal, suspension, limitation, or restriction of the person's professional employment,
56 malpractice, or any other violation of any provision of this chapter;
57 (h) Administering treatment without sufficient examination, or for other than medically
58 accepted therapeutic or experimental or investigative purposes duly authorized by a state or
59 federal agency, or not in the course of professional physical therapy practice;
60 (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual,
61 while a physical therapist or physical therapist assistant/patient relationship exists; making sexual
62 advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of
63 a sexual nature with patients or clients;
64 (j) Terminating the care of a patient without adequate notice or without making other
65 arrangements for the continued care of the patient;
66 (k) Failing to furnish details of a patient's physical therapy records to treating physicians,
67 other physical therapists, or hospitals upon proper request; or failing to comply with any other
68 law relating to physical therapy records;
69 (l) Failure of any applicant or licensee, other than the licensee subject to the
70 investigation, to cooperate with the board during any investigation;
71 (m) Failure to comply with any subpoena or subpoena duces tecum from the board or
72 an order of the board;
73 (n) Failure to timely pay license renewal fees specified in this chapter;
74 (o) Violating a probation agreement with this board or any other licensing agency;
75 (p) Failing to inform the board of the physical therapist's or physical therapist assistant's
76 current telephone number, residence, and business address;
77 (q) Advertising by an applicant or licensee which is false or misleading, or which
78 violates any rule of the board, or which claims without substantiation the positive cure of any
79 disease, or professional superiority to or greater skill than that possessed by any other physical
80 therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this
81 provision if the applicant or licensee has a financial interest in any organization, corporation, or
82 association which issues or conducts such advertising;
83 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or
84 physical health of a patient or the public; or incompetency, gross negligence, or repeated
85 negligence in the performance of the functions or duties of a physical therapist or physical
86 therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure,

87 on more than one occasion, to use that degree of skill and learning ordinarily used under the
88 same or similar circumstances by the member of the applicant's or licensee's profession;
89 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
90 any person to violate, any provision of this chapter, or of any lawful rule adopted under this
91 chapter;
92 (7) Impersonation of any person licensed as a physical therapist or physical therapist
93 assistant or allowing any person to use his or her license or diploma from any school;
94 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,
95 censure, probation, or other final disciplinary action against a physical therapist or physical
96 therapist assistant for a license or other right to practice as a physical therapist or physical
97 therapist assistant by another state, territory, federal agency or country, whether or not voluntarily
98 agreed to by the licensee or applicant, including but not limited to the denial of licensure,
99 surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the
100 practice of physical therapy while subject to an investigation or while actually under
101 investigation by any licensing authority, medical facility, branch of the Armed Forces of the
102 United States of America, insurance company, court, agency of the state or federal government,
103 or employer;
104 (9) A person is finally adjudged incapacitated or disabled by a court of competent
105 jurisdiction;
106 (10) Assisting or enabling any person to practice or offer to practice who is not licensed
107 and currently eligible to practice under this chapter; or knowingly performing any act which in
108 any way aids, assists, procures, advises, or encourages any person to practice physical therapy
109 who is not licensed and currently eligible to practice under this chapter;
110 (11) Issuance of a license to practice as a physical therapist or physical therapist assistant
111 based upon a material mistake of fact;
112 (12) Failure to display a valid license pursuant to practice as a physical therapist or
113 physical therapist assistant;
114 (13) Knowingly making, or causing to be made, or aiding, or abetting in the making of,
115 a false statement in any document executed in connection with the practice of physical therapy;
116 (14) Soliciting patronage in person or by agents or representatives, or by any other means
117 or manner, under the person's own name or under the name of another person or concern, actual
118 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or
119 necessity for or appropriateness of physical therapy services for all patients, or the qualifications
120 of an individual person or persons to render, or perform physical therapy services;
121 (15) Using, or permitting the use of, the person's name under the designation of "physical
122 therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.",

123 "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any
124 similar designation with reference to the commercial exploitation of any goods, wares or
125 merchandise;
126 (16) Knowingly making or causing to be made a false statement or misrepresentation of
127 a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for
128 payment from Title XVIII or Title XIX of the **[**federal Medicare program**]** **Social Security Act**;
129 (17) Failure or refusal to properly guard against contagious, infectious, or communicable
130 diseases or the spread thereof; maintaining an unsanitary facility or performing professional
131 services under unsanitary conditions; or failure to report the existence of an unsanitary condition
132 in any physical therapy facility to the board, in writing, within thirty days after the discovery
133 thereof;
134 (18) Any candidate for licensure or person licensed to practice as a physical therapist or
135 physical therapist assistant paying or offering to pay a referral fee or, notwithstanding section
136 334.010 to the contrary, practicing or offering to practice professional physical therapy
137 independent of the prescription and direction of a person licensed and registered as a physician
138 and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor
139 under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an
140 advanced practice registered nurse under chapter 335, or any licensed and registered physician,
141 chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another
142 jurisdiction, whose license is in good standing;
143 (19) Any candidate for licensure or person licensed to practice as a physical therapist or
144 physical therapist assistant treating or attempting to treat ailments or other health conditions of
145 human beings other than by professional physical therapy and as authorized by sections 334.500
146 to 334.685;
147 (20) A pattern of personal use or consumption of any controlled substance unless it is
148 prescribed, dispensed, or administered by a physician who is authorized by law to do so;
149 (21) Failing to maintain adequate patient records under 334.602;
150 (22) Attempting to engage in conduct that subverts or undermines the integrity of the
151 licensing examination or the licensing examination process, including but not limited to utilizing
152 in any manner recalled or memorized licensing examination questions from or with any person
153 or entity, failing to comply with all test center security procedures, communicating or attempting
154 to communicate with any other examinees during the test, or copying or sharing licensing
155 examination questions or portions of questions;
156 (23) Any candidate for licensure or person licensed to practice as a physical therapist or
157 physical therapist assistant who requests, receives, participates or engages directly or indirectly
158 in the division, transferring, assigning, rebating or refunding of fees received for professional

159 services or profits by means of a credit or other valuable consideration such as wages, an
160 unearned commission, discount or gratuity with any person who referred a patient, or with any
161 relative or business associate of the referring person;
162 (24) Being unable to practice as a physical therapist or physical therapist assistant with
163 reasonable skill and safety to patients by reasons of incompetency, or because of illness,
164 drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical
165 condition. The following shall apply to this subdivision:
166 (a) In enforcing this subdivision the board shall, after a hearing by the board, upon a
167 finding of probable cause, require a physical therapist or physical therapist assistant to submit
168 to a reexamination for the purpose of establishing his or her competency to practice as a physical
169 therapist or physical therapist assistant conducted in accordance with rules adopted for this
170 purpose by the board, including rules to allow the examination of the pattern and practice of such
171 physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental
172 or physical examination or combination thereof by a facility or professional approved by the
173 board;
174 (b) For the purpose of this subdivision, every physical therapist and physical therapist
175 assistant licensed under this chapter is deemed to have consented to submit to a mental or
176 physical examination when directed in writing by the board;
177 (c) In addition to ordering a physical or mental examination to determine competency,
178 the board may, notwithstanding any other law limiting access to medical or other health data,
179 obtain medical data and health records relating to a physical therapist, physical therapist assistant
180 or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;
181 (d) Written notice of the reexamination or the physical or mental examination shall be
182 sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the
183 physical therapist or physical therapist assistant at the physical therapist's or physical therapist
184 assistant's last known address. Failure of a physical therapist or physical therapist assistant to
185 submit to the examination when directed shall constitute an admission of the allegations against
186 the physical therapist or physical therapist assistant, in which case the board may enter a final
187 order without the presentation of evidence, unless the failure was due to circumstances beyond
188 the physical therapist's or physical therapist assistant's control. A physical therapist or physical
189 therapist assistant whose right to practice has been affected under this subdivision shall, at
190 reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or
191 physical therapist assistant can resume the competent practice as a physical therapist or physical
192 therapist assistant with reasonable skill and safety to patients;
193 (e) In any proceeding under this subdivision neither the record of proceedings nor the
194 orders entered by the board shall be used against a physical therapist or physical therapist

195 assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the
196 board without the filing of a complaint with the administrative hearing commission;
197 (f) When the board finds any person unqualified because of any of the grounds set forth
198 in this subdivision, it may enter an order imposing one or more of the disciplinary measures set
199 forth in subsection 3 of this section.
200 3. After the filing of such complaint before the administrative hearing commission, the
201 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding
202 by the administrative hearing commission that the grounds provided in subsection 2 of this
203 section for disciplinary action are met, the board may, singly or in combination:
204 (1) Warn, censure or place the physical therapist or physical therapist assistant named
205 in the complaint on probation on such terms and conditions as the board deems appropriate for
206 a period not to exceed ten years;
207 (2) Suspend the physical therapist's or physical therapist assistant's license for a period
208 not to exceed three years;
209 (3) Restrict or limit the physical therapist's or physical therapist assistant's license for an
210 indefinite period of time;
211 (4) Revoke the physical therapist's or physical therapist assistant's license;
212 (5) Administer a public or private reprimand;
213 (6) Deny the physical therapist's or physical therapist assistant's application for a license;
214 (7) Permanently withhold issuance of a license;
215 (8) Require the physical therapist or physical therapist assistant to submit to the care,
216 counseling or treatment of physicians designated by the board at the expense of the physical
217 therapist or physical therapist assistant to be examined;
218 (9) Require the physical therapist or physical therapist assistant to attend such continuing
219 educational courses and pass such examinations as the board may direct.
220 4. In any order of revocation, the board may provide that the physical therapist or
221 physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical
222 therapist assistant's license for a period of time ranging from two to seven years following the
223 date of the order of revocation. All stay orders shall toll this time period.
224 5. Before restoring to good standing a license issued under this chapter which has been
225 in a revoked, suspended, or inactive state for any cause for more than two years, the board may
226 require the applicant to attend such continuing medical education courses and pass such
227 examinations as the board may direct.
228 6. In any investigation, hearing or other proceeding to determine a physical therapist's,
229 physical therapist assistant's or applicant's fitness to practice, any record relating to any patient
230 of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the

231 board and admissible into evidence, regardless of any statutory or common law privilege which
232 such physical therapist, physical therapist assistant, applicant, record custodian, or patient might
233 otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant,
234 or record custodian may withhold records or testimony bearing upon a physical therapist's,
235 physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between
236 such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.
237
238 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL
239 REFERENCE:

334.618. Upon receiving information that any provision of sections 334.500 to 334.687
2 has been or is being violated, the executive director of the board or other person designated by
3 the board shall investigate and, upon probable cause appearing, the executive director shall,
4 under the direction of the board, file a complaint with the administrative hearing commission or
5 appropriate official or court. All such complaints shall be handled as provided by rule
6 promulgated under **[**subdivision (6) of subsection 16 of section 620.010**] section 324.002**.
7
8 EXPLANATION: UPDATES THE REFERENCE TO THE COMMISSION ON
9 ACCREDITATION IN PHYSICAL THERAPY EDUCATION:

334.686. Any person who holds himself or herself out to be a physical therapist assistant
2 or a licensed physical therapist assistant within this state or any person who advertises as a
3 physical therapist assistant and who, in fact, does not hold a valid physical therapist assistant
4 license is guilty of a class B misdemeanor and, upon conviction, shall be punished as provided
5 by law. Any person who, in any manner, represents himself or herself as a physical therapist
6 assistant, or who uses in connection with such person's name the words or letters, "physical
7 therapist assistant", the letters "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any other letters, words,
8 abbreviations or insignia, indicating or implying that the person is a physical therapist assistant
9 without a valid existing license as a physical therapist assistant issued to such person under the
10 provisions of sections 334.500 to 334.620, is guilty of a class B misdemeanor. This section shall
11 not apply to physicians and surgeons licensed under this chapter or to a person in an entry level
12 of a professional education program approved by the **[**Commission for Accreditation of Physical
13 Therapists and Physical Therapist Assistant**] Commission on Accreditation in Physical**
14 **Therapy** Education (CAPTE) who is satisfying supervised clinical education requirements
15 related to the person's physical therapist or physical therapist assistant education while under
16 on-site supervision of a physical therapist; or to a physical therapist who is practicing in the
17 United States Armed Forces, United States Public Health Service, or Veterans Administration
18 under federal regulations for state licensure for health care providers.

19 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL
20 REFERENCE IN SUBDIVISION (1) OF SUBSECTION 1:

335.036. 1. The board shall:

2 (1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and
3 the board may appoint, employ and fix the compensation of a legal counsel and such board
4 personnel as defined in subdivision (4) of subsection **[**10**] 11** of section 324.001 as are necessary
5 to administer the provisions of sections 335.011 to 335.096;
6 (2) Adopt and revise such rules and regulations as may be necessary to enable it to carry
7 into effect the provisions of sections 335.011 to 335.096;
8 (3) Prescribe minimum standards for educational programs preparing persons for
9 licensure pursuant to the provisions of sections 335.011 to 335.096;
10 (4) Provide for surveys of such programs every five years and in addition at such times
11 as it may deem necessary;
12 (5) Designate as "approved" such programs as meet the requirements of sections 335.011
13 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall
14 annually publish a list of such programs;
15 (6) Deny or withdraw approval from educational programs for failure to meet prescribed
16 minimum standards;
17 (7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;
18 (8) Cause the prosecution of all persons violating provisions of sections 335.011 to
19 335.096, and may incur such necessary expenses therefor;
20 (9) Keep a record of all the proceedings; and make an annual report to the governor and
21 to the director of the department of insurance, financial institutions and professional registration;
22 (10) Establish an impaired nurse program.
23 2. The board shall set the amount of the fees which this chapter authorizes and requires
24 by rules and regulations. The fees shall be set at a level to produce revenue which shall not
25 substantially exceed the cost and expense of administering this chapter.
26 3. All fees received by the board pursuant to the provisions of sections 335.011 to
27 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of
28 nursing fund. All administrative costs and expenses of the board shall be paid from
29 appropriations made for those purposes. The board is authorized to provide funding for the
30 nursing education incentive program established in sections 335.200 to 335.203.
31 4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
32 shall not be transferred and placed to the credit of general revenue until the amount in the fund
33 at the end of the biennium exceeds two times the amount of the appropriation from the board's
34 funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently

35 than yearly, then three times the appropriation from the board's funds for the preceding fiscal
36 year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds
37 the appropriate multiple of the appropriations from the board's funds for the preceding fiscal
38 year.

39 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
40 under the authority delegated in this chapter shall become effective only if it complies with and
41 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All
42 rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.
43 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or
44 adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
45 section and chapter 536 are nonseverable and if any of the powers vested with the general
46 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
47 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
48 any rule proposed or adopted after August 28, 1999, shall be invalid and void.
49
50 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL
51 REFERENCE IN SUBSECTION 1:

336.160. 1. The board may adopt reasonable rules and regulations within the scope and
2 terms of this chapter for the proper administration and enforcement thereof. It may employ such
3 board personnel, as defined in subdivision (4) of subsection **[**10**]** **11** of section 324.001, as it
4 deems necessary within appropriations therefor.

5 2. The board shall set the amount of the fees which this chapter authorizes and requires
6 by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level
7 to produce revenue which shall not substantially exceed the cost and expense of administering
8 this chapter.
9
10 EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

337.030. 1. Each psychologist licensed pursuant to the provisions of sections 337.010
2 to 337.090, who has not filed with the committee a verified statement that the psychologist has
3 retired from or terminated the psychologist's practice of psychology in this state, shall register
4 with the division on or before the registration renewal date. The division shall require a
5 registration fee which shall be submitted together with proof of compliance with the continuing
6 education requirement as provided in section 337.050 and any other information required for
7 such registration. Upon receipt of the required material and of the registration fee, the division
8 shall issue a renewal certificate of registration. **[**The division shall,**]** When issuing an initial
9 license to an applicant who has met all of the qualifications of sections 337.010 to 337.093 and

10 has been approved for licensure by the committee**, the division** shall grant the applicant, without
11 payment of any further fee, a certificate of registration valid until the next registration renewal
12 date.
13 2. The division shall mail a renewal notice to the last known address of each licensee
14 prior to the registration renewal date. Failure to provide the division with the proof of
15 compliance with the continuing education requirement and other information required for
16 registration, or to pay the registration fee after such notice shall **[**effect a revocation of the license
17 after a period of sixty days from the registration renewal date**] result in the expiration of the**
18 **license**. The license shall be restored if, within two years of the registration renewal date, the
19 applicant provides written application and the payment of the registration fee and a delinquency
20 fee and proof of compliance with the requirements for continuing education as provided in
21 section 337.050.
22 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
23 subject to the rules of the committee, upon payment of a reasonable fee.
24 4. The committee shall set the amount of the fees authorized by sections 337.010 to
25 337.093 and required by rules and regulations promulgated pursuant to section 536.021. The fees
26 shall be set at a level to produce revenue which shall not substantially exceed the cost and
27 expense of administering sections 337.010 to 337.090.
28 5. The committee is authorized to issue an inactive license to any licensee who makes
29 written application for such license on a form provided by the board and remits the fee for an
30 inactive license established by the committee. An inactive license may be issued only to a person
31 who has previously been issued a license to practice psychology in this state, who is no longer
32 regularly engaged in such practice and who does not hold himself or herself out to the public as
33 being professionally engaged in such practice in this state. Each inactive license shall be subject
34 to all provisions of this chapter, except as otherwise specifically provided. Each inactive license
35 may be renewed by the committee subject to all provisions of this section and all other provisions
36 of this chapter. The inactive licensee shall not be required to submit evidence of completion of
37 continuing education as required by this chapter. An inactive licensee may apply for a license
38 to regularly engage in the practice of psychology upon filing a written application on a form
39 provided by the committee, submitting the reactivation fee established by the committee, and
40 submitting proof of current competency as established by the committee.
41
42 EXPLANATION: THIS SECTION UPDATES LANGUAGE TO REFLECT THE
43 LICENSURE OF BEHAVIOR ANALYSTS:
337.347. For reimbursement and billing purposes of section 376.1224, services provided
2 by a provisionally licensed assistant behavior analyst, a provisionally licensed behavior analyst,

3 or a temporary licensed behavior analyst shall be billed by the supervising **[**board-certified**]**
4 **licensed** behavior analyst.
5
6 EXPLANATION: THIS SECTION REMOVES LANGUAGE WHICH CONFLICTS WITH
7 REQUIREMENTS FOR THIRD-PARTY REIMBURSEMENT OR LICENSURE IN
8 ANOTHER STATE:

337.507. 1. Applications for examination and licensure as a professional counselor shall
2 be in writing, submitted to the division on forms prescribed by the division and furnished to the
3 applicant. The application shall contain the applicant's statements showing his education,
4 experience and such other information as the division may require. Each application shall
5 contain a statement that it is made under oath or affirmation and that the information contained
6 therein is true and correct to the best knowledge and belief of the applicant, subject to the
7 penalties provided for the making of a false affidavit or declaration. Each application shall be
8 accompanied by the fees required by the committee.
9 2. The division shall mail a renewal notice to the last known address of each licensee
10 prior to the registration renewal date. Failure to provide the division with the information
11 required for registration, or to pay the registration fee after such notice shall **[**effect a revocation
12 of the license after a period of sixty days from the registration renewal date**] result in the**
13 **expiration of the license**. The license shall be restored if, within two years of the registration
14 date, the applicant provides written application and the payment of the registration fee and a
15 delinquency fee.
16 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
17 subject to the rules of the committee, upon payment of a fee.
18 4. The committee shall set the amount of the fees which sections 337.500 to 337.540
19 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees
20 shall be set at a level to produce revenue which shall not substantially exceed the cost and
21 expense of administering the provisions of sections 337.500 to 337.540. All fees provided for
22 in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same with
23 the state treasurer in a fund to be known as the "Committee of Professional Counselors Fund".
24 5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
25 shall not be transferred and placed to the credit of general revenue until the amount in the fund
26 at the end of the biennium exceeds two times the amount of the appropriation from the
27 committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less
28 frequently than yearly then three times the appropriation from the committee's fund for the
29 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the

30 fund which exceeds the appropriate multiple of the appropriations from the committee's fund for
31 the preceding fiscal year.
32 6. The committee shall hold public examinations at least two times per year, at such
33 times and places as may be fixed by the committee, notice of such examinations to be given to
34 each applicant at least ten days prior thereto.
35
36 EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

337.612. 1. Applications for licensure as a clinical social worker, baccalaureate social
2 worker, advanced macro social worker or master social worker shall be in writing, submitted to
3 the committee on forms prescribed by the committee and furnished to the applicant. The
4 application shall contain the applicant's statements showing the applicant's education, experience,
5 and such other information as the committee may require. Each application shall contain a
6 statement that it is made under oath or affirmation and that the information contained therein is
7 true and correct to the best knowledge and belief of the applicant, subject to the penalties
8 provided for the making of a false affidavit or declaration. Each application shall be
9 accompanied by the fees required by the committee.
10 2. The committee shall mail a renewal notice to the last known address of each licensee
11 prior to the licensure renewal date. Failure to provide the committee with the information
12 required for licensure, or to pay the licensure fee after such notice shall **[**effect a revocation of
13 the license after a period of sixty days from the licensure renewal date**] result in the expiration**
14 **of the license**. The license shall be restored if, within two years of the licensure date, the
15 applicant provides written application and the payment of the licensure fee and a delinquency
16 fee.
17 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
18 subject to the rules of the committee, upon payment of a fee.
19 4. The committee shall set the amount of the fees which sections 337.600 to 337.689
20 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees
21 shall be set at a level to produce revenue which shall not substantially exceed the cost and
22 expense of administering the provisions of sections 337.600 to 337.689. All fees provided for
23 in sections 337.600 to 337.689 shall be collected by the director who shall deposit the same with
24 the state treasurer in a fund to be known as the "Clinical Social Workers Fund". After August
25 28, 2007, the clinical social workers fund shall be called the "Licensed Social Workers Fund"
26 and after such date all references in state law to the clinical social workers fund shall be
27 considered references to the licensed social workers fund.
28 5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
29 shall not be transferred and placed to the credit of general revenue until the amount in the fund

30 at the end of the biennium exceeds two times the amount of the appropriations from the **[**clinical**]**
31 **licensed** social workers fund for the preceding fiscal year or, if the committee requires by rule
32 renewal less frequently than yearly, then three times the appropriation from the committee's fund
33 for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount
34 in the fund which exceeds the appropriate multiple of the appropriations from the clinical social
35 workers fund for the preceding fiscal year.
36
37 EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

337.662. 1. Applications for licensure as a baccalaureate social worker shall be in
2 writing, submitted to the committee on forms prescribed by the committee and furnished to the
3 applicant. The application shall contain the applicant's statements showing the applicant's
4 education, experience and such other information as the committee may require. Each
5 application shall contain a statement that it is made under oath or affirmation and that the
6 information contained therein is true and correct to the best knowledge and belief of the
7 applicant, subject to the penalties provided for the making of a false affidavit or declaration.
8 Each application shall be accompanied by the fees required by the committee.
9 2. The committee shall mail a renewal notice to the last known address of each licensee
10 prior to the licensure renewal date. Failure to provide the committee with the information
11 required for licensure, or to pay the licensure fee after such notice shall **[**effect a revocation of
12 the license after a period of sixty days from the licensure renewal date**] result in the expiration**
13 **of the license**. The license shall be restored if, within two years of the licensure date, the
14 applicant provides written application and the payment of the licensure fee and a delinquency
15 fee.
16 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
17 subject to the rules of the committee, upon payment of a fee.
18 4. The committee shall set the amount of the fees which sections 337.650 to 337.689
19 authorize and require by rules and regulations promulgated pursuant to chapter 536. The fees
20 shall be set at a level to produce revenue which shall not substantially exceed the cost and
21 expense of administering the provisions of sections 337.650 to 337.689. All fees provided for
22 in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with
23 the state treasurer in the clinical social workers fund established in section 337.612.
24
25 EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

337.712. 1. Applications for licensure as a marital and family therapist shall be in
2 writing, submitted to the committee on forms prescribed by the committee and furnished to the
3 applicant. The application shall contain the applicant's statements showing the applicant's

education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the division.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the division with the information required for **[**license**]** **licensure**, or to pay the licensure fee after such notice shall **[**effect a revocation of the license after a period of sixty days from the license renewal date**]** **result in the expiration of the license**. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The committee shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.700 to 337.739. All fees provided for in sections 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

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

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBSECTION 2:

338.130. 1. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of the member's expenses necessarily incurred in the discharge of the member's official duties.

2. The board may employ such board personnel, as defined in subdivision (4) of subsection **[**10**]** **11** of section 324.001, as it deems necessary to carry out the provisions of this

7 chapter. The compensation and expenses of such personnel and all expenses incurred by the
8 board in carrying into execution the provisions of this chapter shall be paid out of the board of
9 pharmacy fund upon a warrant on the state treasurer.
10
11 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL
12 REFERENCE IN SUBSECTION 3:

339.120. 1. There is hereby created the "Missouri Real Estate Commission", to consist
2 of seven persons, citizens of the United States and residents of this state for at least one year
3 prior to their appointment, for the purpose of carrying out and enforcing the provisions of
4 sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall be
5 appointed by the governor with the advice and consent of the senate. All members, except one
6 voting public member, of the commission must have had at least ten years' experience as a real
7 estate broker prior to their appointment. The terms of the members of the commission shall be
8 for five years, and until their successors are appointed and qualified. Members to fill vacancies
9 shall be appointed by the governor for the unexpired term. The president of the Missouri
10 Association of Realtors in office at the time shall, at least ninety days prior to the expiration of
11 the term of the board member, other than the public member, or as soon as feasible after the
12 vacancy on the board otherwise occurs, submit to the director of the division of professional
13 registration a list of five realtors qualified and willing to fill the vacancy in question, with the
14 request and recommendation that the governor appoint one of the five persons so listed, and with
15 the list so submitted, the president of the Missouri Association of Realtors shall include in his
16 or her letter of transmittal a description of the method by which the names were chosen by that
17 association. The commission shall organize annually by selecting from its members a chairman.
18 The commission may do all things necessary and convenient for carrying into effect the
19 provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860, and may promulgate
20 necessary rules compatible with the provisions of sections 339.010 to 339.180 and sections
21 339.710 to 339.860. Each member of the commission shall receive as compensation an amount
22 set by the commission not to exceed seventy-five dollars for each day devoted to the affairs of
23 the commission, and shall be entitled to reimbursement of his or her expenses necessarily
24 incurred in the discharge of his or her official duties. The governor may remove any
25 commissioner for cause.
26 2. The public member shall be at the time of his or her appointment a citizen of the
27 United States; a resident of this state for a period of one year and a registered voter; a person who
28 is not and never was a member of any profession licensed or regulated pursuant to sections
29 339.010 to 339.180 and sections 339.710 to 339.860 or the spouse of such person; and a person
30 who does not have and never has had a material, financial interest in either the providing of the

31 professional services regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860,
32 or an activity or organization directly related to any profession licensed or regulated pursuant to
33 sections 339.010 to 339.180 and sections 339.710 to 339.860. All members, including public
34 members, shall be chosen from lists submitted by the director of the division of professional
35 registration. The duties of the public member shall not include the determination of the technical
36 requirements to be met for licensure or whether any person meets such technical requirements
37 or of the technical competence or technical judgment of a licensee or a candidate for licensure.
38 3. The commission shall employ such board personnel, as defined in subdivision (4) of
39 subsection **[**10**] 11** of section 324.001, as it shall deem necessary to discharge the duties imposed
40 by the provisions of sections 339.010 to 339.180 and sections 339.710 to **[**339.860**] 339.855**.
41 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
42 under the authority delegated in sections 339.010 to 339.180 and sections 339.710 to 339.860
43 shall become effective only if it complies with and is subject to all of the provisions of chapter
44 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28,
45 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal
46 or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied
47 with all applicable provisions of law. This section and chapter 536 are nonseverable and if any
48 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
49 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
50 grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be
51 invalid and void.
52
53 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL
54 REFERENCE IN SUBSECTION 1:

345.035. 1. The board may, within the limits of appropriations, employ such board
2 personnel as defined in subdivision (4) of subsection **[**10**] 11** of section 324.001 as may be
3 necessary to carry out its duties.
4 2. All expenses of the board shall be paid only from appropriations made for that purpose
5 from the board of registration for the healing arts fund.
6
7 EXPLANATION: THIS SECTION CONTAINS A TYPOGRAPHICAL ERROR:

382.277. Whenever it appears to the director that any person has committed a violation
2 of sections 382.040 to 382.090 and the violation prevents the full understanding of the enterprise
3 risk to the insurer by affiliates or by the insurance holding company system, the violation may
4 serve as an independent basis for disapproving dividends or distributions and for placing the
5 insurer under an order of **[**suspension**] supervision** in accordance with section 375.1160.

EXPLANATION: THIS SECTION REMOVES OBSOLETE LANGUAGE:

386.145. The chairman of the public service commission**[**, in the presence of the speaker of the house of representatives or some member of the house of representatives designated in writing by said speaker and the president pro tem of the senate or some member of the senate designated in writing by said president pro tem,**]** may destroy by burning, or otherwise dispose of as ordered by the public service commission, such records, financial statements and such public documents which shall at the time of destruction or disposal have been on file in the office of the public service commission for a period of five years or longer and which are determined by the public service commission to be obsolete or of no further public use or value, except such records and documents as may at the time be the subject of litigation or dispute.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

386.890. 1. This section shall be known and may be cited as the "Net Metering and Easy Connection Act".

2. As used in this section, the following terms shall mean:

(1) "Avoided fuel cost", the current average cost of fuel for the entity generating electricity, as defined by the governing body with jurisdiction over any municipal electric utility, rural electric cooperative as provided in chapter 394, or electrical corporation as provided in this chapter;

(2) "Commission", the public service commission of the state of Missouri;

(3) "Customer-generator", the owner or operator of a qualified electric energy generation unit which:

(a) Is powered by a renewable energy resource;

(b) Has an electrical generating system with a capacity of not more than one hundred kilowatts;

(c) Is located on a premises owned, operated, leased, or otherwise controlled by the customer-generator;

(d) Is interconnected and operates in parallel phase and synchronization with a retail electric supplier and has been approved by said retail electric supplier;

(e) Is intended primarily to offset part or all of the customer-generator's own electrical energy requirements;

(f) Meets all applicable safety, performance, interconnection, and reliability standards established by the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory Commission, and any local governing authorities; and

24 (g) Contains a mechanism that automatically disables the unit and interrupts the flow of
25 electricity back onto the supplier's electricity lines in the event that service to the
26 customer-generator is interrupted;
27 (4) "Department", the department of **[**natural resources**] economic development**;
28 (5) "Net metering", using metering equipment sufficient to measure the difference
29 between the electrical energy supplied to a customer-generator by a retail electric supplier and
30 the electrical energy supplied by the customer-generator to the retail electric supplier over the
31 applicable billing period;
32 (6) "Renewable energy resources", electrical energy produced from wind, solar thermal
33 sources, hydroelectric sources, photovoltaic cells and panels, fuel cells using hydrogen produced
34 by one of the above-named electrical energy sources, and other sources of energy that become
35 available after August 28, 2007, and are certified as renewable by the department;
36 (7) "Retail electric supplier" or "supplier", any municipal utility, electrical corporation
37 regulated under this chapter, or rural electric cooperative under chapter 394 that provides retail
38 electric service in this state.
39 3. A retail electric supplier shall:
40 (1) Make net metering available to customer-generators on a first-come, first-served
41 basis until the total rated generating capacity of net metering systems equals five percent of the
42 utility's single-hour peak load during the previous year, after which the commission for a public
43 utility or the governing body for other electric utilities may increase the total rated generating
44 capacity of net metering systems to an amount above five percent. However, in a given calendar
45 year, no retail electric supplier shall be required to approve any application for interconnection
46 if the total rated generating capacity of all applications for interconnection already approved to
47 date by said supplier in said calendar year equals or exceeds one percent of said supplier's
48 single-hour peak load for the previous calendar year;
49 (2) Offer to the customer-generator a tariff or contract that is identical in electrical
50 energy rates, rate structure, and monthly charges to the contract or tariff that the customer would
51 be assigned if the customer were not an eligible customer-generator but shall not charge the
52 customer-generator any additional standby, capacity, interconnection, or other fee or charge that
53 would not otherwise be charged if the customer were not an eligible customer-generator; and
54 (3) Disclose annually the availability of the net metering program to each of its
55 customers with the method and manner of disclosure being at the discretion of the supplier.
56 4. A customer-generator's facility shall be equipped with sufficient metering equipment
57 that can measure the net amount of electrical energy produced or consumed by the
58 customer-generator. If the customer-generator's existing meter equipment does not meet these
59 requirements or if it is necessary for the electric supplier to install additional distribution

60 equipment to accommodate the customer-generator's facility, the customer-generator shall
61 reimburse the retail electric supplier for the costs to purchase and install the necessary additional
62 equipment. At the request of the customer-generator, such costs may be initially paid for by the
63 retail electric supplier, and any amount up to the total costs and a reasonable interest charge may
64 be recovered from the customer-generator over the course of up to twelve billing cycles. Any
65 subsequent meter testing, maintenance or meter equipment change necessitated by the
66 customer-generator shall be paid for by the customer-generator.

67 5. Consistent with the provisions in this section, the net electrical energy measurement
68 shall be calculated in the following manner:

69 (1) For a customer-generator, a retail electric supplier shall measure the net electrical
70 energy produced or consumed during the billing period in accordance with normal metering
71 practices for customers in the same rate class, either by employing a single, bidirectional meter
72 that measures the amount of electrical energy produced and consumed, or by employing multiple
73 meters that separately measure the customer-generator's consumption and production of
74 electricity;

75 (2) If the electricity supplied by the supplier exceeds the electricity generated by the
76 customer-generator during a billing period, the customer-generator shall be billed for the net
77 electricity supplied by the supplier in accordance with normal practices for customers in the same
78 rate class;

79 (3) If the electricity generated by the customer-generator exceeds the electricity supplied
80 by the supplier during a billing period, the customer-generator shall be billed for the appropriate
81 customer charges for that billing period in accordance with subsection 3 of this section and shall
82 be credited an amount at least equal to the avoided fuel cost of the excess kilowatt-hours
83 generated during the billing period, with this credit applied to the following billing period;

84 (4) Any credits granted by this subsection shall expire without any compensation at the
85 earlier of either twelve months after their issuance or when the customer-generator disconnects
86 service or terminates the net metering relationship with the supplier;

87 (5) For any rural electric cooperative under chapter 394, or municipal utility, upon
88 agreement of the wholesale generator supplying electric energy to the retail electric supplier, at
89 the option of the retail electric supplier, the credit to the customer-generator may be provided by
90 the wholesale generator.

91 6. (1) Each qualified electric energy generation unit used by a customer-generator shall
92 meet all applicable safety, performance, interconnection, and reliability standards established by
93 any local code authorities, the National Electrical Code, the National Electrical Safety Code, the
94 Institute of Electrical and Electronics Engineers, and Underwriters Laboratories for distributed
95 generation. No supplier shall impose any fee, charge, or other requirement not specifically

96 authorized by this section or the rules promulgated under subsection 9 of this section unless the
97 fee, charge, or other requirement would apply to similarly situated customers who are not
98 customer-generators, except that a retail electric supplier may require that a customer-generator's
99 system contain a switch, circuit breaker, fuse, or other easily accessible device or feature located
100 in immediate proximity to the customer-generator's metering equipment that would allow a
101 utility worker the ability to manually and instantly disconnect the unit from the utility's electric
102 distribution system;

103 (2) For systems of ten kilowatts or less, a customer-generator whose system meets the
104 standards and rules under subdivision (1) of this subsection shall not be required to install
105 additional controls, perform or pay for additional tests or distribution equipment, or purchase
106 additional liability insurance beyond what is required under subdivision (1) of this subsection
107 and subsection 4 of this section;

108 (3) For customer-generator systems of greater than ten kilowatts, the commission for
109 public utilities and the governing body for other utilities shall, by rule or equivalent formal action
110 by each respective governing body:

111 (a) Set forth safety, performance, and reliability standards and requirements; and

112 (b) Establish the qualifications for exemption from a requirement to install additional
113 controls, perform or pay for additional tests or distribution equipment, or purchase additional
114 liability insurance.

115 7. (1) Applications by a customer-generator for interconnection of a qualified electric
116 energy generation unit meeting the requirements of subdivision (3) of subsection 2 of this section
117 to the distribution system shall be accompanied by the plan for the customer-generator's electrical
118 generating system, including but not limited to a wiring diagram and specifications for the
119 generating unit, and shall be reviewed and responded to by the retail electric supplier within
120 thirty days of receipt for systems ten kilowatts or less and within ninety days of receipt for all
121 other systems. Prior to the interconnection of the qualified generation unit to the supplier's
122 system, the customer-generator will furnish the retail electric supplier a certification from a
123 qualified professional electrician or engineer that the installation meets the requirements of
124 subdivision (1) of subsection 6 of this section. If the application for interconnection is approved
125 by the retail electric supplier and the customer-generator does not complete the interconnection
126 within one year after receipt of notice of the approval, the approval shall expire and the
127 customer-generator shall be responsible for filing a new application.

128 (2) Upon the change in ownership of a qualified electric energy generation unit, the new
129 customer-generator shall be responsible for filing a new application under subdivision (1) of this
130 subsection.

131 8. Each commission-regulated supplier shall submit an annual net metering report to the
132 commission, and all other nonregulated suppliers shall submit the same report to their respective
133 governing body and make said report available to a consumer of the supplier upon request,
134 including the following information for the previous calendar year:
135 (1) The total number of customer-generator facilities;
136 (2) The total estimated generating capacity of its net-metered customer-generators; and
137 (3) The total estimated net kilowatt-hours received from customer-generators.
138 9. The commission shall, within nine months of January 1, 2008, promulgate initial rules
139 necessary for the administration of this section for public utilities, which shall include
140 regulations ensuring that simple contracts will be used for interconnection and net metering. For
141 systems of ten kilowatts or less, the application process shall use an all-in-one document that
142 includes a simple interconnection request, simple procedures, and a brief set of terms and
143 conditions. Any rule or portion of a rule, as that term is defined in section 536.010, that is
144 created under the authority delegated in this section shall become effective only if it complies
145 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
146 This section and chapter 536 are nonseverable and if any of the powers vested with the general
147 assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a
148 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
149 proposed or adopted after August 28, 2007, shall be invalid and void.
150 10. The governing body of a rural electric cooperative or municipal utility shall, within
151 nine months of January 1, 2008, adopt policies establishing a simple contract to be used for
152 interconnection and net metering. For systems of ten kilowatts or less, the application process
153 shall use an all-in-one document that includes a simple interconnection request, simple
154 procedures, and a brief set of terms and conditions.
155 11. For any cause of action relating to any damages to property or person caused by the
156 generation unit of a customer-generator or the interconnection thereof, the retail electric supplier
157 shall have no liability absent clear and convincing evidence of fault on the part of the supplier.
158 12. The estimated generating capacity of all net metering systems operating under the
159 provisions of this section shall count towards the respective retail electric supplier's
160 accomplishment of any renewable energy portfolio target or mandate adopted by the Missouri
161 general assembly.
162 13. The sale of qualified electric generation units to any customer-generator shall be
163 subject to the provisions of sections 407.700 to 407.720. The attorney general shall have the
164 authority to promulgate in accordance with the provisions of chapter 536 rules regarding
165 mandatory disclosures of information by sellers of qualified electric generation units.

Any interested person who believes that the seller of any electric generation unit is misrepresenting the safety or performance standards of any such systems, or who believes that any electric generation unit poses a danger to any property or person, may report the same to the attorney general, who shall be authorized to investigate such claims and take any necessary and appropriate actions.

14. Any costs incurred under this act by a retail electric supplier shall be recoverable in that utility's rate structure.

15. No consumer shall connect or operate an electric generation unit in parallel phase and synchronization with any retail electric supplier without written approval by said supplier that all of the requirements under subdivision (1) of subsection 7 of this section have been met. For a consumer who violates this provision, a supplier may immediately and without notice disconnect the electric facilities of said consumer and terminate said consumer's electric service.

16. The manufacturer of any electric generation unit used by a customer-generator may be held liable for any damages to property or person caused by a defect in the electric generation unit of a customer-generator.

17. The seller, installer, or manufacturer of any electric generation unit who knowingly misrepresents the safety aspects of an electric generation unit may be held liable for any damages to property or person caused by the electric generation unit of a customer-generator.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

393.1025. As used in sections 393.1020 to 393.1030, the following terms mean:

(1) "Commission", the public service commission;

(2) "Department", the department of **[**natural resources**] economic development**;

(3) "Electric utility", any electrical corporation as defined by section 386.020;

(4) "Renewable energy credit" or "REC", a tradeable certificate of proof that one megawatt-hour of electricity has been generated from renewable energy sources; and

(5) "Renewable energy resources", electric energy produced from wind, solar thermal sources, photovoltaic cells and panels, dedicated crops grown for energy production, cellulosic agricultural residues, plant residues, methane from landfills, from agricultural operations, or from wastewater treatment, thermal depolymerization or pyrolysis for converting waste material to energy, clean and untreated wood such as pallets, hydropower (not including pumped storage) that does not require a new diversion or impoundment of water and that has a nameplate rating of ten megawatts or less, fuel cells using hydrogen produced by one of the above-named renewable energy sources, and other sources of energy not including nuclear that become available after November 4, 2008, and are certified as renewable by rule by the department.

16 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE
17 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

393.1030. 1. The commission shall, in consultation with the department, prescribe by
2 rule a portfolio requirement for all electric utilities to generate or purchase electricity generated
3 from renewable energy resources. Such portfolio requirement shall provide that electricity from
4 renewable energy resources shall constitute the following portions of each electric utility's sales:
5 (1) No less than two percent for calendar years 2011 through 2013;
6 (2) No less than five percent for calendar years 2014 through 2017;
7 (3) No less than ten percent for calendar years 2018 through 2020; and
8 (4) No less than fifteen percent in each calendar year beginning in 2021. At least two
9 percent of each portfolio requirement shall be derived from solar energy. The portfolio
10 requirements shall apply to all power sold to Missouri consumers whether such power is
11 self-generated or purchased from another source in or outside of this state. A utility may comply
12 with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy
13 generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.
14 2. The commission, in consultation with the department and within one year of
15 November 4, 2008, shall select a program for tracking and verifying the trading of renewable
16 energy credits. An unused credit may exist for up to three years from the date of its creation.
17 A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also
18 be used to satisfy any similar nonfederal requirement. An electric utility may not use a credit
19 derived from a green pricing program. Certificates from net-metered sources shall initially be
20 owned by the customer-generator. The commission, except where the department is specified,
21 shall make whatever rules are necessary to enforce the renewable energy standard. Such rules
22 shall include:
23 (1) A maximum average retail rate increase of one percent determined by estimating and
24 comparing the electric utility's cost of compliance with least-cost renewable generation and the
25 cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking
26 into proper account future environmental regulatory risk including the risk of greenhouse gas
27 regulation. Notwithstanding the foregoing, until June 30, 2020, if the maximum average retail
28 rate increase would be less than or equal to one percent if an electric utility's investment in
29 solar-related projects initiated, owned or operated by the electric utility is ignored for purposes
30 of calculating the increase, then additional solar rebates shall be paid and included in rates in an
31 amount up to the amount that would produce a retail rate increase equal to the difference between
32 a one percent retail rate increase and the retail rate increase calculated when ignoring an electric
33 utility's investment in solar-related projects initiated, owned, or operated by the electric utility.
34 Notwithstanding any provision to the contrary in this section, even if the payment of additional

35 solar rebates will produce a maximum average retail rate increase of greater than one percent
36 when an electric utility's investment in solar-related projects initiated, owned or operated by the
37 electric utility are included in the calculation, the additional solar rebate costs shall be included
38 in the prudently incurred costs to be recovered as contemplated by subdivision (4) of this
39 subsection;
40 (2) Penalties of at least twice the average market value of renewable energy credits for
41 the compliance period for failure to meet the targets of subsection 1 of this section. An electric
42 utility will be excused if it proves to the commission that failure was due to events beyond its
43 reasonable control that could not have been reasonably mitigated, or that the maximum average
44 retail rate increase has been reached. Penalties shall not be recovered from customers. Amounts
45 forfeited under this section shall be remitted to the department to purchase renewable energy
46 credits needed for compliance. Any excess forfeited revenues shall be used by the **[**department's
47 energy center**] division of energy** solely for renewable energy and energy efficiency projects;
48 (3) Provisions for an annual report to be filed by each electric utility in a format
49 sufficient to document its progress in meeting the targets;
50 (4) Provision for recovery outside the context of a regular rate case of prudently incurred
51 costs and the pass-through of benefits to customers of any savings achieved by an electrical
52 corporation in meeting the requirements of this section.
53 3. As provided for in this section, except for those electrical corporations that qualify for
54 an exemption under section 393.1050, each electric utility shall make available to its retail
55 customers a solar rebate for new or expanded solar electric systems sited on customers' premises,
56 up to a maximum of twenty-five kilowatts per system, measured in direct current that were
57 confirmed by the electric utility to have become operational in compliance with the provisions
58 of section 386.890. The solar rebates shall be two dollars per watt for systems becoming
59 operational on or before June 30, 2014; one dollar and fifty cents per watt for systems becoming
60 operational between July 1, 2014, and June 30, 2015; one dollar per watt for systems becoming
61 operational between July 1, 2015, and June 30, 2016; fifty cents per watt for systems becoming
62 operational between July 1, 2016, and June 30, 2017; fifty cents per watt for systems becoming
63 operational between July 1, 2017, and June 30, 2019; twenty-five cents per watt for systems
64 becoming operational between July 1, 2019, and June 30, 2020; and zero cents per watt for
65 systems becoming operational after June 30, 2020. An electric utility may, through its tariffs,
66 require applications for rebates to be submitted up to one hundred eighty-two days prior to the
67 June thirtieth operational date. Nothing in this section shall prevent an electrical corporation
68 from offering rebates after July 1, 2020, through an approved tariff. If the electric utility
69 determines the maximum average retail rate increase provided for in subdivision (1) of
70 subsection 2 of this section will be reached in any calendar year, the electric utility shall be

entitled to cease paying rebates to the extent necessary to avoid exceeding the maximum average retail rate increase if the electrical corporation files with the commission to suspend its rebate tariff for the remainder of that calendar year at least sixty days prior to the change taking effect. The filing with the commission to suspend the electrical corporation's rebate tariff shall include the calculation reflecting that the maximum average retail rate increase will be reached and supporting documentation reflecting that the maximum average retail rate increase will be reached. The commission shall rule on the suspension filing within sixty days of the date it is filed. If the commission determines that the maximum average retail rate increase will be reached, the commission shall approve the tariff suspension. The electric utility shall continue to process and pay applicable solar rebates until a final commission ruling; however, if the continued payment causes the electric utility to pay rebates that cause it to exceed the maximum average retail rate increase, the expenditures shall be considered prudently incurred costs as contemplated by subdivision (4) of subsection 2 of this section and shall be recoverable as such by the electric utility. As a condition of receiving a rebate, customers shall transfer to the electric utility all right, title, and interest in and to the renewable energy credits associated with the new or expanded solar electric system that qualified the customer for the solar rebate for a period of ten years from the date the electric utility confirmed that the solar electric system was installed and operational.

4. The department shall, in consultation with the commission, establish by rule a certification process for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources, only the portion of electrical output attributable to renewable energy resources shall be used to fulfill the portfolio requirements.

5. In carrying out the provisions of this section, the commission and the department shall include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of this section.

6. The commission shall have the authority to promulgate rules for the implementation of this section, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of this section. 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

107 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
108 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
109 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
110 grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be
111 invalid and void.
112
113 EXPLANATION: SUBSECTION 8 OF THIS SECTION EXPIRED 09-01-14:

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.".

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

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

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

30 OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity
31 name/charitable cause).".
32 5. The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean
33 a primary color on a white background so as to be clearly visible to the public.
34 6. Nothing in this section shall apply to paper, glass, or aluminum products that are
35 donated for the purpose of being recycled in the manufacture of other products.
36 7. All receptacles described in this section shall conspicuously display the name, address,
37 and telephone number of the owner and operator of the receptacle. The owner or operator of the
38 receptacle shall maintain permission to place the receptacle on the property from the property
39 owner or his or her agent where the receptacle is located. Such permission shall be in writing
40 and clearly identify the owner of the receptacle and property owner or his or her agent in addition
41 to the nature of the collections and where proceeds will be accrued. Failure to secure such
42 permission shall constitute an unfair business practice in addition to any other statutory
43 conditions. Unless otherwise agreed upon in writing, the property owner or his or her agent may
44 remove the receptacle. Any charges incurred in such removal shall be the responsibility of the
45 owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar
46 days of the sending of a written certified letter from the property owner stating his or her intent
47 to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the
48 receptacle does not conspicuously display the name, address, and telephone number of the owner
49 and operator of the receptacle, the receptacle shall be considered abandoned property and may
50 be destroyed or permanently possessed by the property owner or their agent.
51 **[**8. Any owner and operator of a receptacle that does not display the address of the owner
52 and operator, but does display the website of the owner and operator, shall make the address
53 easily accessible on such website for the property owner to send the letter specified in subsection
54 7 of this section. The provisions of this subsection shall expire on September 1, 2014.**]**
55
56 EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE
57 OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE
58 ORDER 13-03:

414.400. 1. As used in sections 414.400 to 414.417, the following terms mean:
2 (1) "Alternative fuel", any fuel, including any alcohol fuel containing eighty-five percent
3 or more by volume of such alcohol or other such percentage not less than seventy percent if
4 determined by the United States Department of Energy by rule to be necessary to provide for the
5 requirements of cold start, safety, or vehicle functions, natural gas, liquefied petroleum gas, any
6 fuel other than alcohol derived from biological materials when designated by the United States
7 Department of Energy as an alternative fuel, and hydrogen, or any power source, including

electricity, and any other fuel that the United States Department of Energy determines by final rule is substantially not petroleum and would yield substantial energy security and environmental benefits, used in a vehicle that complies with the standards and requirements applicable to such vehicle pursuant to sections 414.400 to 414.417 when using such fuel or power source;

(2) "CAFE standard", the federal Corporate Average Fuel Economy standard, 15 U.S.C. 2002 or 40 CFR Parts 86 and 600 or 49 CFR Part 538 or proposed rule 49 CFR Part 538 until such rule is finalized;

(3) "Department", the department of **[**natural resources**] economic development**;

(4) "Director", the director of the department of **[**natural resources**] economic development**;

(5) "State agency", the same meaning as such term is defined in section 536.010;

(6) "Vehicle fleet", any fleet comprised of vehicles with a manufacturer's gross vehicle weight rating of not more than eight thousand five hundred pounds registered for operation on the highways of this state pursuant to chapter 301.

2. The department in consultation with the commissioner of administration shall develop and implement a program to manage and progressively reduce state agency vehicle fleet fuel consumption and promote the use of alternative fuels. The program shall require state agencies to meet minimum guidelines for efficient fleet management. Such guidelines shall be updated and revised every two years and shall require the overall vehicle fleet fuel efficiency for each agency to meet or exceed the fuel efficiency that would be achieved if each vehicle in the agency's fleet met the CAFE standard. The department may promulgate rules necessary to implement such guidelines. Further, provided that suppliers or state agencies have or can reasonably be expected to have established alternative fuel refueling stations as needed, the program shall require that at least thirty percent of all motor fuel purchased annually for use in alternative fuel vehicles, calculated in gasoline gallon equivalents, to be alternative fuel by July 1, 2001. Any alternative fuel purchased by a state agency for use in vehicles not included in their vehicle fleet as defined in subsection 1 of this section, calculated in gasoline gallon equivalents, may be credited toward the annual alternative fuel purchase goal. The program shall systematically replace existing state-owned vehicles and vehicles paid for with any state money, including vehicles purchased by the university system, with vehicles manufactured, assembled or produced in the United States, as required by sections 34.350 to 34.359.

3. The commissioner of administration shall identify specific vehicle models within each vehicle procurement class that meet or exceed the CAFE standard. State agencies shall identify specific vehicle models within each vehicle procurement class that have a life cycle cost which is less than or equal to the average life cycle cost of those vehicles in the class which are manufactured, assembled or produced in the United States. Life cycle costs shall include but are

not limited to the original cost of the vehicle, conversion cost if applicable, costs associated with vehicle emissions to the extent that such statistics are available, and projected cost of operation, including fuel cost and maintenance and salvage value to the extent that reliable maintenance and salvage value statistics are available. Unless a state agency submits to the department a fleet efficiency plan that complies with the minimum guidelines for energy efficiency established pursuant to subsection 2 of this section, or unless otherwise approved by the office of administration pursuant to subsection 4 of this section, all purchases of vehicles for state agency vehicle fleets shall meet the above standards.

4. The commissioner of administration may waive the CAFE standard requirements of subsection 3 of this section, for only those vehicles which satisfy one or more of the following conditions, for any state agency upon receipt of documentation that has been certified by the director of the state agency as satisfying one or more of the following conditions:

(1) Such vehicles are used primarily in off-road, construction, or road maintenance applications;

(2) Such vehicles are regularly used in the movement of maintenance or construction equipment;

(3) Such vehicles are trucks or utility vehicles as defined by the office of administration that are regularly used to transport trailers for the purpose of moving state equipment; or

(4) Such vehicles are vehicles with manufacturer-stated seating capacity exceeding that for six persons and the director of the agency has certified that the vehicle will be used to transport its rated capacity in persons and/or cargo. Agencies which are granted such waivers shall comply with the planning requirements of section 414.403.

5. The purchase of all class III vehicles, as defined by the office of administration, shall be approved through the appropriations process for all departments except the highway patrol. The provisions of this subsection shall not apply to the purchase of used vehicles from the highway patrol.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

414.406. 1. The director of the department of **[**natural resources**]** **economic development** shall review each agency's vehicle fleet plan and the vehicular demands of the agency by vehicle class. The office of administration shall only purchase for an agency those vehicles which conform to the agency's plan as outlined in sections 414.400 and 414.403.

2. Each state agency shall annually file a report with the director of the department of **[**natural resources**]** **economic development** on forms provided by the department showing its

progress in achieving the requirements and goals of sections 414.400 to 414.417. The director of the department of **[**natural resources**]** **economic development** shall compile such information into an annual report and submit such report to the commissioner of administration, the secretary of the senate, the clerk of the house of representatives and the chairman of each committee of jurisdiction of the general assembly.

3. The director's report shall document progress in achieving the requirements and goals of sections 414.400 to 414.417 and shall include, but not be limited to, annual fuel consumption, number of vehicles, vehicle miles traveled, average fleet fuel economy, estimated cost savings and state use of alternative fuels.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBSECTION 3:

414.412. 1. The director may reduce any percentage specified or waive the requirement of subsection 3 of section 414.410 for any state agency upon receipt of certification supported by evidence acceptable to the director that:

(1) The agency's vehicles will be operating primarily in an area in which neither the agency nor a supplier has or can reasonably be expected to have a central refueling station for alternative fuels; or

(2) The agency is unable to acquire or operate vehicles within the cost limitations of section 414.400 or section 414.415; or

(3) The use of alternative fuels would not meet the energy conservation and exhaust emissions reduction criteria of subsection 2 of section 414.410.

2. State agencies shall submit information describing the acquisition and use of vehicles capable of using alternative fuels to the department in a format prescribed by the department. The report shall include for each vehicle model capable of using alternative fuel:

(1) The types of alternative fuels used;

(2) The number of miles traveled using alternative fuels and the ratios to the total numbers of miles traveled;

(3) The number of vehicles owned which are capable of using alternative fuels;

(4) Maintenance costs.

3. Each state-owned vehicle equipped to operate on gasoline, other than vehicles using alternative fuel, shall use a fuel ethanol blend as defined in section **[**142.027**]** **142.028**, when available at a competitive price, as its motor fuel, unless the United States Environmental Protection Agency, or the governor by executive order, promulgates rules which prohibit, limit or otherwise regulate the use of ethanol-blended fuels in ozone nonattainment areas, as defined by Section 107 of the federal Clean Air Act, as amended, or in an area designated as a

25 maintenance area for ozone under Section 175A of the federal Clean Air Act, as amended,
26 state-owned vehicles shall not be required to use a fuel ethanol blend.
27
28 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE
29 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

414.417. 1. Sections 414.400 to 414.417 shall not apply to the purchase or lease of a
2 vehicle to be used primarily for criminal law enforcement or to the purchase or lease of a
3 motorcycle, all-terrain vehicle, ambulance, or any type of vehicle for which the Environmental
4 Protection Agency has not published fuel economy comparisons.
5 2. Notwithstanding the provisions of sections 414.400 to 414.417, the department of
6 natural resources **and the department of economic development** may acquire vehicles which
7 use alternative fuels for the purposes of assessing and demonstrating either or both alternative
8 vehicles and alternative fuels.
9
10 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE
11 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

414.510. As used in sections 414.500 to 414.590, the following terms mean:
2 (1) "Council", the Missouri propane education and research council created pursuant to
3 section 414.530;
4 (2) "Director", the director of the division of energy of the department of **[**natural
5 resources**]** **economic development** or the director's designee;
6 (3) "Education", any action to provide information on propane, propane use equipment,
7 mechanical and technical practices, and propane uses to consumers and to members of the
8 propane industry;
9 (4) "Manufacturers and distributors of LP-gas use equipment", any person or firm
10 engaged in the manufacturing, assembling and marketing of appliances, containers and products
11 used in the LP-gas industry, and those persons and firms in the wholesale marketing of
12 appliances, containers and products used in the LP-gas industry;
13 (5) "Marketing", any action taken by the council to present positive information about
14 propane to the public, including paid promotional advertising;
15 (6) "Person", any individual, group of individuals, partnership, association, cooperative,
16 corporation, or any other entity;
17 (7) "Producer", the owner of the propane at the time it is recovered at a manufacturing
18 facility, irrespective of the state where production occurs;

19 (8) "Propane" includes propane, butane, mixtures, and liquefied petroleum gas as defined
20 by the National Fire Protection Association Standard 58 for the storage and handling of liquefied
21 petroleum gases;
22 (9) "Public member", a member of the council selected from among significant users of
23 odorized propane, organizations representing significant users of odorized propane, public safety
24 officials, state propane gas regulatory officials, or voluntary standard-setting organizations;
25 (10) "Qualified industry organization", the National Propane Gas Association, the
26 Missouri Propane Gas Association, the Gas Processors Association, or a successor association;
27 (11) "Research", any type of study, investigation or other activity designed to advance
28 the image, desirability, usage, marketability, efficiency and safety of propane and propane use
29 equipment, and to further the development of such information and products;
30 (12) "Retail marketer", a business engaged primarily in the selling of propane gas, its
31 appliances and equipment to the ultimate consumer or to retail propane dispensers;
32 (13) "Transporter", any person involved in the commercial transportation of propane by
33 pipeline, truck, rail or water;
34 (14) "Wholesaler" or "reseller", a seller of propane who is not a producer and who does
35 not sell propane to the ultimate consumer.
36
37 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE
38 AND THE TRANSFER OF THE SECTION TO THE APPROPRIATE CHAPTER IS
39 NECESSARY BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE
40 ORDER 13-03:

[640.150.**] 620.035.** 1. The department of **[**natural resources**] economic development**
2 shall be vested with the powers and duties prescribed by law and shall have the power to carry
3 out the following activities:
4 (1) Assessing the impact of national energy policies on this state's supply and use of
5 energy and this state's public health, safety and welfare;
6 (2) Consulting and cooperating with all state and federal governmental agencies,
7 departments, boards and commissions and all other interested agencies and institutions,
8 governmental and nongovernmental, public and private, on matters of energy research and
9 development, management, conservation and distribution;
10 (3) The monitoring and analyzing of all federal, state, local and voluntarily disclosed
11 private sector energy research projects and voluntarily disclosed private sector energy related
12 data and information concerning supply and consumption, in order to plan for the future energy
13 needs of this state. All information gathered shall be maintained, revised and updated as an aid
14 to any interested person, foundation or other organization, public or private;

15 (4) Analyzing the potential for increased utilization of coal, nuclear, solar, resource
16 recovery and reuse, landfill gas, projects to reduce and capture methane and other greenhouse
17 gas emissions from landfills, energy efficient technologies and other energy alternatives, and
18 making recommendations for the expanded use of alternate energy sources and technologies;
19 (5) Entering into cooperative agreements with other states, political subdivisions, private
20 entities, or educational institutions for the purpose of seeking and securing federal grants for the
21 department and its partners in the grants;
22 (6) The development and promotion of state energy conservation programs, including:
23 (a) Public education and information in energy-related areas;
24 (b) Developing energy efficiency standards for agricultural and industrial energy use and
25 for new and existing buildings, to be promoted through technical assistance efforts by
26 cooperative arrangements with interested public, business and civic groups and by cooperating
27 with political subdivisions of this state;
28 (c) Preparing plans for reducing energy use in the event of an energy or other resource
29 supply emergency.
30 2. No funds shall be expended to implement the provisions of this section until funds are
31 specifically appropriated for that purpose. In order to carry out its responsibilities under this
32 section, the department may expend any such appropriated funds by entering into agreements,
33 contracts, grants, subgrants, or cooperative arrangements under various terms and conditions in
34 the best interest of the state with other state, federal, or interstate agencies, political subdivisions,
35 not-for-profit entities or organizations, educational institutions, or other entities, both public and
36 private, to carry out its responsibilities.
37
38 EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:

620.511. 1. There is hereby established the **[**"Missouri Workforce Investment Board",**]**
2 **"Missouri Workforce Development Board", formerly known as the Missouri workforce**
3 **investment board, and** hereinafter referred to as "the board" in sections 620.511 to 620.513.
4 2. The purpose of the board is to provide workforce investment activities, through
5 statewide and local workforce investment systems, that increase the employment, retention, and
6 earnings of participants, and increase occupational skill attainment by participants, and, as a
7 result, improve the quality of the workforce, reduce welfare dependency, and enhance the
8 productivity and competitiveness of the state of Missouri. The board shall be the state's advisory
9 board pertaining to workforce preparation policy.
10 3. The board shall meet the requirements of the federal **[**Workforce Investment Act of
11 1998, hereinafter referred to as the "WIA", P.L. 105-220**]** **Workforce Innovation and**
12 **Opportunity Act of 2014, hereinafter referred to as the "WIOA", P.L. 113-128**, as amended.

13 Should another federal law supplant the **[**WIA**]** **WIOA**, all references in sections 620.511 to
14 620.513 to the **[**WIA**]** **WIOA** shall apply as well to the new federal law.
15 4. Composition of the board shall comply with the **[**WIA**]** **WIOA**. Board members
16 appointed by the governor shall be subject to the advice and consent of the senate. Consistent
17 with the requirements of the **[**WIA**]** **WIOA**, the governor shall designate one member of the
18 board to be its chairperson.
19 5. **[**Except as otherwise provided in subsection 6 of this section,**]** Each member of the
20 board shall serve for a term of four years, subject to the pleasure of the governor, and until a
21 successor is duly appointed. In the event of a vacancy on the board, the vacancy shall be filled
22 in the same manner as the original appointment and said replacement shall serve the remainder
23 of the original appointee's unexpired term.
24 6. Of the members initially appointed to the **WIOA, formerly known as the WIA,**
25 board, one-fourth shall be appointed for a term of four years, one-fourth shall be appointed for
26 a term of three years, one-fourth shall be appointed for a term of two years, and one-fourth shall
27 be appointed for a term of one year.
28 7. **WIOA** board members shall receive no compensation, but shall be reimbursed for all
29 necessary expenses actually incurred in the performance of their duties.
30
31 EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:
620.512. 1. The board shall establish bylaws governing its organization, operation, and
2 procedure consistent with sections 620.511 to 620.513, and consistent with the **[**WIA**]** **WIOA**.
3 2. The board shall meet at least four times each year at the call of the chairperson.
4 3. In order to assure objective management and oversight, the board shall not operate
5 programs or provide services directly to eligible participants, but shall exist solely to plan,
6 coordinate, and monitor the provisions of such programs and services. A member of the board
7 may not vote on a matter under consideration by the board that regards the provision of services
8 by the member or by an entity that the member represents or would provide direct financial
9 benefit to the member or the immediate family of the member. A member of the board may not
10 engage in any other activity determined by the governor to constitute a conflict of interest.
11 4. The composition and the roles and responsibilities of the board membership may be
12 amended to comply with any succeeding federal or state legislative or regulatory requirements
13 governing workforce investment activities, except that the procedure for such change shall be
14 outlined in state rules and regulations and adopted in the bylaws of the board.
15 5. The department of economic development shall provide professional, technical, and
16 clerical staff for the board.

6. The board may promulgate any rules and regulations necessary to administer the provisions of sections 620.511 to 620.513. 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, 2007, shall be invalid and void.

EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:

620.513. 1. The board shall assist the governor with the functions described in **[**Section 111(d) of the WIA 29 U.S.C. 2821d**] Section 101(d) of the WIOA, 29 U.S.C. Section 311d,** and any regulations issued pursuant to the **[**WIA**] WIOA**.

2. The board shall submit an annual report of its activities to the governor, the speaker of the house of representatives, and the president pro tem of the senate no later than January thirty-first of each year.

3. Nothing in sections 620.511 to 620.513 shall be construed to require or allow the board to assume or supersede the statutory authority granted to, or impose any duties or requirements on, the state coordinating board for higher education, the governing boards of the state's public colleges and universities, the state board of education, or any local educational agencies.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

640.153. 1. As used in this section, the following terms mean:

(1) "Applicant", an entity that applies to the department for certification as a qualified home energy auditor;

(2) "Department", the department of **[**natural resources**] economic development**;

(3) "Qualified home energy audit", a home energy audit conducted by an entity certified by the department as a qualified home energy auditor, the purpose of which is to provide energy efficiency recommendations that will reduce the energy use or the utility costs, or both, of a residential or commercial building;

(4) "Qualified home energy auditor", an applicant who has met the certification requirements established by the department and whose certification has been approved by the department.

2. The department shall develop criteria and requirements for certification of qualified home energy auditors. Any applicant shall provide the department with an application, documentation, or other information as the department may require. The department may establish periodic requirements for qualified home energy auditors to maintain certification.

3. The department shall provide successful applicants with written notice that the applicant meets the certification requirements.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

640.155. 1. Any energy information which is voluntarily reported or conveyed to **the department of economic development or** the Missouri department of natural resources shall be considered confidential and shall be exempt upon written request and for a specific period to be determined by mutual consent from public disclosure that would reveal information traceable to a private firm, partnership, public corporation, or individual.

2. As used in this section, the term "energy information" includes that information received in whatever form on the fuel reserves, exploration, extraction, production, refining, distribution, consumption, costs, prices, capital investments, and other matters directly related to a private firm, partnership, public corporation, or individual.

3. In addition to any other penalty provided by law, any officer or employee of the department of natural resources **or the department of economic development** who, in violation of the provisions of this section, divulges any information considered confidential under this section shall be guilty of a class A misdemeanor, and such divulgence shall be grounds for the summary dismissal of such officer or employee, other provisions of law notwithstanding.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

640.157. The **[**energy center of the department of natural resources**] division of energy of the department of economic development** shall serve as a central point of coordination for activities relating to energy sustainability in the state. As such, the **division of** energy **[**center**]** shall:

(1) Consult and cooperate with other state agencies to serve as a technical advisor on sustainability issues, including but not limited to renewable energy use and green building design and construction;

(2) Provide technical assistance to local governments, businesses, schools, and homeowners on sustainability issues, including but not limited to renewable energy use and green building design and construction; and

(3) Conduct outreach and education efforts, which may be in coordination with community action agencies, for the purpose of informing the general public about financial assistance opportunities for energy conservation, including but not limited to tax incentives.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

640.160. 1. There is hereby created in the state treasury the "Energy Futures Fund" which shall consist of money appropriated by the general assembly or received from gifts, bequests, donations, or from the federal government. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. 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. Upon appropriation, the department of **[**natural resources**]** **economic development** may use moneys in the fund created under this section for the purposes of carrying out the provisions of sections 640.150 to 640.160 including, but not limited to, energy efficiency programs, energy studies, energy resource analyses, or energy projects. After appropriation, the department may also expend funds for the administration and management of energy responsibilities and activities associated with projects and studies funded from the energy futures fund.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

640.651. As used in sections 640.651 to 640.686, the following terms mean:

(1) "Applicant", any school, hospital, small business, local government or other energy-using sector or entity authorized by the department through administrative rule, which submits an application for loans on financial assistance to the department;

(2) "Application cycle", the period of time each year, as determined by the department, that the department shall accept and receive applications seeking loans or financial assistance under the provisions of sections 640.651 to 640.686;

(3) "Authority", the environmental improvement and energy resources authority;

9 (4) "Borrower", a recipient of loan or other financial assistance program funds
10 subsequent to the execution of loan or financial assistance documents with the department or
11 other applicable parties provided that a building owned by the state or an agency thereof other
12 than a state college or state university, shall not be eligible for loans or financial assistance
13 pursuant to sections 640.651 to 640.686;
14 (5) "Building", including initial installation in a new building, any applicant-owned and
15 -operated structure, group of closely situated structural units that are centrally metered or served
16 by a central utility plant, or an eligible portion thereof, which includes a heating or cooling
17 system, or both;
18 (6) "Department", the department of **[**natural resources**] economic development**;
19 (7) "Energy conservation loan account", an account to be established on the books of a
20 borrower for purposes of tracking information related to the receipt or expenditure of the loan
21 funds or financial assistance, and to be used to receive and remit energy cost savings for purposes
22 of making payments on the loan or financial assistance;
23 (8) "Energy conservation measure" or "ECM", an installation or modification of an
24 installation in a building or replacement or modification to an energy-consuming process or
25 system which is primarily intended to maintain or reduce energy consumption and reduce energy
26 costs, or allow the use of an alternative or renewable energy source;
27 (9) "Energy conservation project" or "project", the design, acquisition, installation, and
28 implementation of one or more energy conservation measures;
29 (10) "Energy cost savings" or "savings", the value, in terms of dollars, that has or is
30 estimated to accrue from energy savings or avoided costs due to implementation of an energy
31 conservation project;
32 (11) "Estimated simple payback", the estimated cost of a project divided by the estimated
33 energy cost savings;
34 (12) "Fund", the energy set-aside program fund established in section 640.665;
35 (13) "Hospital", a facility as defined in subsection 2 of section 197.020, including any
36 medical treatment or related facility controlled by a hospital board;
37 (14) "Hospital board", the board of directors having general control of the property and
38 affairs of the hospital facility;
39 (15) "Loan agreement", a document agreed to by the borrower's school, hospital or
40 corporate board, principals of a business, the governing body of a local government or other
41 authorized officials and the department or other applicable parties and signed by the authorized
42 official thereof, that details all terms and requirements under which the loan is issued or other
43 financial assistance granted, and describes the terms under which the loan or financial assistance
44 repayment shall be made;

45 (16) "Payback score", a numeric value derived from the review of an application,
46 calculated as prescribed by the department, which may include an estimated simple payback or
47 life-cycle costing method of economic analysis and used solely for purposes of ranking
48 applications for the selection of loan and financial assistance recipients within the balance of
49 program funds available;
50 (17) "Project cost", all costs determined by the department to be directly related to the
51 implementation of an energy conservation project, and, for initial installation in a new building,
52 shall include the incremental cost of a high-efficiency system;
53 (18) "School", an institution operated by a state college or state university, public agency,
54 political subdivision or a public or private nonprofit organization tax exempt under Section
55 501(c)(3) of the Internal Revenue Code which:
56 (a) Provides, and is legally authorized to provide, elementary education or secondary
57 education, or both, on a day or residential basis;
58 (b) Provides and is legally authorized to provide a program of education beyond
59 secondary education, on a day or residential basis; admits as students only persons having a
60 certificate of graduation from a school providing secondary education, or the recognized
61 equivalent of such certificate; is accredited by a nationally recognized accrediting agency or
62 association; and provides an educational program for which it awards a bachelor's degree or
63 higher degree or provides not less than a two-year program which is acceptable for full credit
64 toward such a degree at any institution which meets the preceding requirements and which
65 provides such a program; or
66 (c) Provides not less than a one-year program of training to prepare students for gainful
67 employment in a recognized occupation; provides and is legally authorized to provide a program
68 of education beyond secondary education, on a day or residential basis; admits as students only
69 persons having a certificate of graduation from a school providing secondary education, or the
70 recognized equivalent of such certificate; and is accredited by a nationally recognized accrediting
71 agency or association;
72 (19) "School board", the board of education having general control of the property and
73 affairs of any school as defined in this section;
74 (20) "Technical assistance report", a specialized engineering report that identifies and
75 specifies the quantity of energy savings and related energy cost savings that are likely to result
76 from the implementation of one or more energy conservation measures;
77 (21) "Unobligated balance", that amount in the fund that has not been dedicated to any
78 projects at the end of each state fiscal year.
79

80 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE
81 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

640.653. 1. An application for loan funds or other financial assistance may be submitted
2 to the department for the purpose of financing all or a portion of the costs incurred in
3 implementing an energy conservation project. The application shall be accompanied by a
4 technical assistance report. The application and the technical assistance report shall be in such
5 form and contain such information, financial or otherwise, as prescribed by the department. This
6 section shall not preclude any applicant or borrower from joining in a cooperative project with
7 any other local government or with any state or federal agency or entity in an energy conservation
8 project; provided that, all other requirements of sections 640.651 to 640.686 are met.

9 2. Eligible applications shall be assigned a payback score derived from the application
10 review performed by the department. Applications shall be selected for loans and financial
11 assistance beginning with the lowest payback score and continuing in ascending order to the
12 highest payback score until all available program funds have been obligated within any given
13 application cycle. The selection criteria may be applied per sector or entity to assure equity
14 pursuant to section 640.674. In no case shall a loan or financial assistance be made to finance
15 an energy project with a payback score of less than six months or more than ten years or eighty
16 percent of the expected useful life of the energy conservation measures when the expected useful
17 life exceeds ten years. Repayment periods are to be determined by the department. Applications
18 may be approved for loans or financial assistance only in those instances where the applicant has
19 furnished the department information satisfactory to assure that the project cost will be recovered
20 through energy cost savings during the repayment period of the loan or financial assistance.
21 In no case shall a loan or financial assistance be made to an applicant unless the approval of the
22 governing board or body of the applicant to the loan agreement is obtained and a written
23 certification of such approval is provided, where applicable.

24 3. The department shall approve or disapprove all applications for loans or financial
25 assistance which are sent by certified or registered mail or hand delivered and received by the
26 department's division of energy on, or prior to, the ninetieth day following the date of application
27 cycle closing. Any applications which are not acted upon by the department by such date shall
28 be deemed to be approved as submitted.

29 4. The department of elementary and secondary education shall be provided a summary
30 of all proposed public elementary and secondary school projects for review within fifteen days
31 from the application deadline. Once projects have been reviewed and selected for loans or
32 financial assistance by the department, the department of elementary and secondary education
33 shall have thirty days to certify that those projects selected for loans or financial assistance are
34 consistent with related state programs for public education facilities.

5. The department of health and senior services shall be provided a summary of all proposed hospital projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans or financial assistance by the department of **[**natural resources**]** **economic development**, the department of health and senior services shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related health requirements for hospital facilities.

6. The coordinating board for higher education shall be provided a summary of all proposed public higher education facility projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans and financial assistance by the department, the coordinating board for higher education shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related state programs for education facilities.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

660.135. 1. The utilicare stabilization fund for any fiscal year shall be funded, subject to appropriations, by the general assembly.

2. The department of social services shall, in coordination with the department of **[**natural resources**]** **economic development**, apply a portion of the funds appropriated annually by the general assembly to the utilicare stabilization fund established pursuant to section 660.136 to the low income weatherization assistance program of the department of **[**natural resources**]** **economic development**; provided that any project financed with such funds shall be consistent with federal guidelines for the Weatherization Assistance Program for Low-Income Persons as authorized by 42 U.S.C. 6861.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

701.500. 1. As used in sections 701.500 to 701.515, the following terms shall mean:

(1) "Department", the department of **[**natural resources**]** **economic development**;

(2) "Director", the director of the department of **[**natural resources**]** **economic development**;

(3) "Energy Star program", a joint program of the United States Environmental Protection Agency and the United States Department of Energy that identifies and promotes energy efficient products and practices.

8 2. The provisions of sections 701.500 to 701.515 shall apply to appliances that do not
9 have minimum energy efficiency standards required under federal law.
10 3. No person shall sell, offer for sale, or install any new product listed in subsection 2
11 of this section in the state unless the product meets the minimum energy efficiency standards
12 under sections 701.500 to 701.515.
13 4. The provisions of sections 701.500 to 701.515 shall not apply to:
14 (1) Consumer electronics; or
15 (2) Products:
16 (a) Manufactured in the state and sold outside the state;
17 (b) Manufactured outside the state and sold at wholesale inside the state for final retail
18 sale outside the state;
19 (c) Installed in mobile manufactured homes at the time of construction; or
20 (d) Designed expressly for installation and use in recreational vehicles.
21
22 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE
23 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:
701.509. 1. The "Appliance Energy Efficiency Advisory Group" is hereby created. The
2 purpose of the advisory group is to advise the department on the development and updating of
3 the minimum energy efficiency standards for products under sections 701.500 to 701.515. The
4 advisory group shall consist of the following eleven members who shall be appointed, in
5 staggered terms, by the director:
6 (1) A representative from the public service commission who is knowledgeable in energy
7 efficiency;
8 (2) A representative of the office of public counsel;
9 (3) A representative of an electric or natural gas utility who is knowledgeable in energy
10 efficiency;
11 (4) The director of the **[**energy center at the department of natural resources**]** **division**
12 **of energy of the department of economic development**, or his or her designee;
13 (5) Two representatives from the appliance manufacturing industry;
14 (6) Three representatives with technical knowledge in energy efficiency and appliances,
15 including but not limited to, electrical or energy engineers;
16 (7) One representative from the home construction industry; and
17 (8) One representative from the commercial building industry.
18 2. Each member shall serve a term of three years and may be reappointed. The advisory
19 group members shall serve without compensation but may be reimbursed for expenses incurred

20 in connection with their duties. The advisory group shall meet as needed, but not less than two
21 times per year. The department shall provide staff for the advisory group.
22
23 EXPLANATION: THIS FUND EXPIRED ON JUNE 30, 2015; THERE IS NO FUND
24 BALANCE:

[21.930. 1. There is hereby created in the state treasury the "Surplus
2 Revenue Fund", which shall consist of money collected under subsection 2 of this
3 section. The state treasurer shall be custodian of the fund. In accordance with
4 sections 30.170 and 30.180, the state treasurer may approve disbursements.
5 Notwithstanding the provisions of section 33.080 to the contrary, any moneys
6 remaining in the fund at the end of the biennium shall not revert to the credit of
7 the general revenue fund. The state treasurer shall invest moneys in the fund in
8 the same manner as other funds are invested. Any interest and moneys earned on
9 such investments shall be credited to the fund.
10 2. If, during the two-year fiscal period beginning July 1, 2013, and ending
11 June 30, 2015, Missouri general revenue collections net of refunds exceed sixteen
12 billion eight hundred thirty-four million dollars, the state treasurer shall deposit
13 from moneys that otherwise would have been deposited into the general revenue
14 fund an amount not to exceed two hundred fifteen million dollars. Moneys in the
15 surplus revenue fund shall be subject to appropriation by the general assembly.
16
17 3. Notwithstanding any other provision of law to the contrary, refunds
18 owed to Missouri taxpayers for the two-year fiscal period beginning July 1, 2013,
19 and ending June 30, 2015, shall be paid in full on or before June 30, 2015.]
20
21 EXPLANATION: THIS SECTION EXPIRED 06-30-14:

[33.295. 1. There is hereby established the "Rebuild Damaged
2 Infrastructure Program" to provide funding for the reconstruction, replacement,
3 or renovation of, or repair to, any infrastructure damaged by a presidentially
4 declared natural disaster, including, but not limited to, the physical components
5 of interrelated systems providing essential commodities and services to the public
6 which includes transportation, communication, sewage, water, and electric
7 systems as well as public elementary and secondary school buildings.
8 2. There is hereby created in the state treasury the "Rebuild Damaged
9 Infrastructure Fund", which shall consist of money appropriated or collected
10 under this section. Any amount to be transferred to the fund on July 1, 2013,
11 pursuant to subsection 2 of section 33.080 and subsection 2 of section 360.045,
12 in excess of fifteen million dollars shall instead be transferred to the state general
13 revenue fund. The state treasurer shall be custodian of the fund and may approve
14 disbursements from the fund in accordance with sections 30.170 and 30.180.
15 Upon appropriation, money in the fund shall be used solely for the purposes of
16 this section. Any moneys remaining in the fund at the end of the biennium shall
17 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.

3. No money in the fund shall be expended for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster when such reconstruction, replacement, renovation, or repair is eligible for funding by the United States Department of Housing and Urban Development through a 2013 supplemental disaster allocation of community development block grant funds.

4. The provisions of this section shall expire on June 30, 2014.**]**

EXPLANATION: THE FUND IN SECTIONS 33.700 TO 33.730 WAS NEVER CREATED; THESE SECTIONS ARE OBSOLETE:

[33.700. There is created "The Governmental Emergency Fund" which shall consist of all moneys appropriated, transferred or otherwise credited to it by law not to exceed the sum of one hundred fifty thousand dollars per annum. **]**

[33.710. 1. There is created "The Governmental Emergency Fund Committee" consisting of the governor, the commissioner of administration as ex officio comptroller, the chairman and ranking minority member of the senate appropriations committee, the chairman and ranking minority member of the house budget committee, or its successor committee, and the director of the department of revenue who shall serve as consultant to the committee without vote.

2. The members of the committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their official duties.

3. The committee shall elect from among its members a chair and vice chair and such other officers as it deems necessary.**]**

[33.720. The moneys in the fund are subject to allocation and expenditure in the manner prescribed in sections 33.700 to 33.730 and only to meet emergency and unanticipated requirements necessary to insure the proper functioning of state government and to render essential state services when the general assembly is not in session and which were not foreseeable or predictable at the time of the preparation and adoption of the budget and the passage of appropriation measures during the session of the general assembly next preceding the occurrence of the emergency and for which moneys, other than from this fund, are not available or are insufficient.**]**

[33.730. 1. Requests by a state department or agency for the allocation and expenditure of money from the fund shall be made by the administrative head of the department or agency in writing to the governor and to the chairman of the

governmental emergency fund committee who shall transmit the request to the committee.

2. The request shall recite the existence of the circumstances which are deemed to require the requested allocation and expenditure from the fund, the amount necessary to meet the emergency and such other information as the committee may by rule or regulation require.

3. No allocation or expenditure of money from the fund shall be made except after authorization by a majority vote of the full membership of the governmental emergency fund committee and only for the specific purpose authorized by the committee. Upon approval of any allocation and expenditure from the fund, the committee shall certify to the commissioner of administration the amount and purposes allowed.**]**

EXPLANATION: THE REPORTING REQUIREMENTS IN THIS SECTION ARE OBSOLETE:

[61.081. The highway administrator shall report his full name and address to the office of the secretary of the state highways and transportation commission at Jefferson City within ten days after he is qualified for such office. He shall also make an annual report during the month of January in each year, when requested so to do, upon blanks furnished by the state highways and transportation commission, to the commission, and shall file a copy of such report with the county commission. Such report shall show the general condition of all established public highways, roads, bridges and culverts in the county, together with a general description of all improvements and construction made during the previous year.**]**

EXPLANATION: THIS SECTION IS OBSOLETE DUE TO THE REPEAL OF SECTION 115.346 IN 2014:

[71.005. No person shall be a candidate for municipal office unless such person complies with the provisions of section 115.346 regarding payment of municipal taxes or user fees.**]**

EXPLANATION: SECTIONS 105.380, 105.385, 105.440, AND 105.445 REPEAL OBSOLETE SOCIAL SECURITY PROVISIONS AND BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

[105.380. 1. Delinquent payments due under section 105.370 shall bear interest at a rate equal to that charged by the federal agency for the period for which said payments are delinquent. No interest shall be charged if less than one dollar.

2. Delinquent wage reports or adjustment reports or contributions due but not filed or submitted by prescribed due dates shall be subject to a penalty of five dollars for the first day and one dollar for each day thereafter, or the penalty prescribed by the federal agency, whichever is greater. No more than one penalty

shall apply in case of any joint failure to file a deposit return and to pay deposit contributions on the same prescribed due date.

3. Extensions to file required annual wage reports and adjustment reports may be granted by the state agency for good cause providing a written extension request is mailed to the state agency on or before the prescribed due date with an estimated deposit no less than the previous deposit, as adjusted. No penalty shall be applied to any report for which an extension of time has been authorized by the state agency.

4. The state administrator or his designate may, upon written request by any political subdivision or instrumentality covered by an agreement entered into under section 105.350 and upon showing of "good cause", abate any portion or all of a penalty charge which has been assessed in accordance with subsection 2 of this section. Good cause abatement can only be granted within the rules and regulations established by the state agency pursuant to section 105.430.**]**

[105.385. 1. Delinquent payments due under section 105.370, together with accrued interest and penalties, may, at the request of the state agency, be deducted from any moneys payable to the subdivision or instrumentality by any department or agency of the state, or may be recovered in a court of competent jurisdiction against the political subdivision or instrumentality.

2. Whenever the state agency shall certify to any agency of the state authorized to apportion or allocate funds to political subdivisions or instrumentalities that any political subdivision or instrumentality is delinquent in its payments as provided by sections 105.300 to 105.440, the amount so certified shall be withheld from distribution. Upon notification by the state administrator of the withholding by the distributing agency, the state treasurer, or appropriate official, if other than the state treasurer, shall transfer the amount so certified or such part thereof as is available from apportionments or allocations due the political subdivision or instrumentality to the state agency. In the event the state agency recovers any delinquent amounts from the political subdivision or instrumentality, the funds so recovered shall be credited to the fund or funds from which the transfer was made, and the distributing agency shall then apportion or allocate to the political subdivision or instrumentality the amount it was originally entitled to receive by law.

3. Whenever any political subdivision or instrumentality which is part of or located within a county shall become delinquent of any payments due under section 105.370 and/or 105.380, the state agency may certify to the treasurer or to any appropriate officer of the county and/or political subdivision or instrumentality the amount of the delinquent payment plus accrued interest and penalties. The official receiving such certification shall without regard to formal administrative procedure and usage of a particular fund, cause payments to be made out of available funds to the state agency sufficient to cover the amount certified by the state agency. If any treasurer or appropriate official to which the

delinquent payment certification is so directed shall fail or neglect to perform the duties imposed upon him by this section he shall be liable upon his bond for the failure or neglect.]

[105.440. The state agency shall make studies concerning the problem of old age and survivors protection for employees of the state and local governments and their instrumentalities concerning the operation of agreements made and plans approved under sections 105.300 to 105.440, and shall submit a report to the general assembly by April fifteenth of each year covering the administration and operation of sections 105.300 to 105.440 during the preceding year, including such recommendations for amendments to sections 105.300 to 105.440 as it considers proper and necessary.]

[105.445. 1. The state agency shall have access to all payroll and disbursement records of political subdivisions and instrumentalities covered by agreement pursuant to section 105.350. The state agency after giving notice may order the political subdivision or instrumentality to make its books and records available to the state agency, at the office of the political subdivision or instrumentality and may audit those books and records.

2. The state agency may recover the actual costs and necessary expenses for the preparation of required Social Security wage and adjustment reports not filed with the state agency by a political subdivision or instrumentality. Such costs and expenses shall be billed and paid upon completion of wage and adjustment reports and all moneys collected shall be immediately deposited into the state's general revenue fund.

3. The state administrator shall have the power to issue a subpoena duces tecum to compel the production of any payroll and disbursement records of political subdivisions and instrumentalities covered by agreement pursuant to section 105.350.]

EXPLANATION: THIS SECTION SUNSET 08-28-13:

[135.575. 1. As used in this section, the following terms mean:

(1) "Missouri health care access fund", the fund created in section 191.1056;

(2) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265;

(3) "Taxpayer", any individual subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

2. The provisions of this section shall be subject to section 33.282. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit for donations in excess of one hundred dollars made to the Missouri health care access fund. The tax credit shall be subject to annual approval by the senate appropriations committee and the house budget

13 committee. The tax credit amount shall be equal to one-half of the total donation
14 made, but shall not exceed twenty-five thousand dollars per taxpayer claiming the
15 credit. If the amount of the tax credit issued exceeds the amount of the taxpayer's
16 state tax liability for the tax year for which the credit is claimed, the difference
17 shall not be refundable but may be carried forward to any of the taxpayer's next
18 four taxable years. No tax credit granted under this section shall be transferred,
19 sold, or assigned. The cumulative amount of tax credits which may be issued
20 under this section in any one fiscal year shall not exceed one million dollars.
21 3. The department of revenue may promulgate rules to implement the
22 provisions of this section. Any rule or portion of a rule, as that term is defined
23 in section 536.010, that is created under the authority delegated in this section
24 shall become effective only if it complies with and is subject to all of the
25 provisions of chapter 536 and, if applicable, section 536.028. This section and
26 chapter 536 are nonseverable and if any of the powers vested with the general
27 assembly pursuant to chapter 536 to review, to delay the effective date, or to
28 disapprove and annul a rule are subsequently held unconstitutional, then the grant
29 of rulemaking authority and any rule proposed or adopted after August 28, 2007,
30 shall be invalid and void.
31 4. Pursuant to section 23.253 of the Missouri sunset act:
32 (1) The provisions of the new program authorized under this section shall
33 automatically sunset six years after August 28, 2007, unless reauthorized by an
34 act of the general assembly; and
35 (2) If such program is reauthorized, the program authorized under this
36 section shall automatically sunset twelve years after the effective date of the
37 reauthorization of this section; and
38 (3) This section shall terminate on September first of the calendar year
39 immediately following the calendar year in which the program authorized under
40 this section is sunset.]
41
42 EXPLANATION: THIS SECTION SUNSET 11-28-13:
[135.750. 1. As used in this section, the following terms mean:
2 (1) "Highly compensated individual", any individual who receives
3 compensation in excess of one million dollars in connection with a single
4 qualified film production project;
5 (2) "Qualified film production project", any film, video, commercial, or
6 television production, as approved by the department of economic development
7 and the office of the Missouri film commission, that is under thirty minutes in
8 length with an expected in-state expenditure budget in excess of fifty thousand
9 dollars, or that is over thirty minutes in length with an expected in-state
10 expenditure budget in excess of one hundred thousand dollars. Regardless of the
11 production costs, "qualified film production project" shall not include any:
12 (a) News or current events programming;
13 (b) Talk show;

(c) Production produced primarily for industrial, corporate, or institutional purposes, and for internal use;

(d) Sports event or sports program;

(e) Gala presentation or awards show;

(f) Infomercial or any production that directly solicits funds;

(g) Political ad;

(h) Production that is considered obscene, as defined in section 573.010;

(3) "Qualifying expenses", the sum of the total amount spent in this state for the following by a production company in connection with a qualified film production project:

(a) Goods and services leased or purchased by the production company. For goods with a purchase price of twenty-five thousand dollars or more, the amount included in qualifying expenses shall be the purchase price less the fair market value of the goods at the time the production is completed;

(b) Compensation and wages paid by the production company on which the production company remitted withholding payments to the department of revenue under chapter 143. For purposes of this section, compensation and wages shall not include any amounts paid to a highly compensated individual;

(4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 148;

(5) "Taxpayer", any individual, partnership, or corporation as described in section 143.441, 143.471, or section 148.370 that is subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 148 or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. For all taxable years beginning on or after January 1, 1999, but ending on or before December 31, 2007, a taxpayer shall be granted a tax credit for up to fifty percent of the amount of investment in production or production-related activities in any film production project with an expected in-state expenditure budget in excess of three hundred thousand dollars. For all taxable years beginning on or after January 1, 2008, a taxpayer shall be allowed a tax credit for up to thirty-five percent of the amount of qualifying expenses in a qualified film production project. Each film production company shall be limited to one qualified film production project per year. Activities qualifying a taxpayer for the tax credit pursuant to this subsection shall be approved by the office of the Missouri film commission and the department of economic development.

3. Taxpayers shall apply for the film production tax credit by submitting an application to the department of economic development, on a form provided by the department. As part of the application, the expected in-state expenditures of the qualified film production project shall be documented. In addition, the

application shall include an economic impact statement, showing the economic impact from the activities of the film production project. Such economic impact statement shall indicate the impact on the region of the state in which the film production or production-related activities are located and on the state as a whole.

4. For all taxable years ending on or before December 31, 2007, tax credits certified pursuant to subsection 2 of this section shall not exceed one million dollars per taxpayer per year, and shall not exceed a total for all tax credits certified of one million five hundred thousand dollars per year. For all taxable years beginning on or after January 1, 2008, tax credits certified under subsection 1 of this section shall not exceed a total for all tax credits certified of four million five hundred thousand dollars per year. Taxpayers may carry forward unused credits for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.

5. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits allowed in subsection 2 of this section. The taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or chapter 148. Unused acquired credits may be carried forward for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after November 28, 2007, 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 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.**]**

EXPLANATION: THESE SECTIONS EXPIRED 08-28-14:

[135.900. As used in sections 135.900 to 135.906, the following terms mean:

(1) "Department", the department of economic development;

(2) "Director", the director of the department of economic development;

(3) "Earned income", all income not derived from retirement accounts, pensions, or transfer payments;

7 (4) "New business facility", the same meaning as such term is defined in
8 section 135.100; except that the term "lease" as used therein shall not include the
9 leasing of property defined in paragraph (d) of subdivision (6) of this section;
10 (5) "Population", all residents living in an area who are not enrolled in
11 any course at a college or university in the area;
12 (6) "Revenue-producing enterprise":
13 (a) Manufacturing activities classified as SICs 20 through 39;
14 (b) Agricultural activities classified as SIC 025;
15 (c) Rail transportation terminal activities classified as SIC 4013;
16 (d) Renting or leasing of residential property to low- and
17 moderate-income persons as defined in 42 U.S.C.A. 5302(a)-(20);
18 (e) Motor freight transportation terminal activities classified as SIC 4231;
19 (f) Public warehousing and storage activities classified as SICs 422 and
20 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;
21 (g) Water transportation terminal activities classified as SIC 4491;
22 (h) Airports, flying fields, and airport terminal services classified as SIC
23 4581;
24 (i) Wholesale trade activities classified as SICs 50 and 51;
25 (j) Insurance carriers activities classified as SICs 631, 632, and 633;
26 (k) Research and development activities classified as SIC 873, except
27 8733;
28 (l) Farm implement dealer activities classified as SIC 5999;
29 (m) Employment agency activities classified as SIC 7361;
30 (n) Computer programming, data processing, and other computer-related
31 activities classified as SIC 737;
32 (o) Health service activities classified as SICs 801, 802, 803, 804, 806,
33 807, 8092, and 8093;
34 (p) Interexchange telecommunications service as defined in section
35 386.020 or training activities conducted by an interexchange telecommunications
36 company as defined in section 386.020;
37 (q) Recycling activities classified as SIC 5093;
38 (r) Banking activities classified as SICs 602 and 603;
39 (s) Office activities as defined in section 135.100, notwithstanding SIC
40 classification;
41 (t) Mining activities classified as SICs 10 through 14;
42 (u) The administrative management of any of the foregoing activities; or
43 (v) Any combination of any of the foregoing activities;
44 (7) "SIC", the standard industrial classification as such classifications are
45 defined in the 1987 edition of the standard industrial classification manual as
46 prepared by the executive office of the president, office of management and
47 budget;
48 (8) "Transfer payments", payments made under Medicaid, Medicare,
49 Social Security, child support or custody agreements, and separation agreements.]

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

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

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

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

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

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

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

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

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

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

[135.906. All of the Missouri taxable income attributed to a new business facility in a rural empowerment zone which is earned by a taxpayer establishing and operating a new business facility located within a rural empowerment zone shall be exempt from taxation under chapter 143 if such new business facility is

5 responsible for the creation of ten new full-time jobs in the zone within one year
6 from the date on which the tax abatement begins. All of the Missouri taxable
7 income attributed to a revenue-producing enterprise in a rural empowerment zone
8 which is earned by a taxpayer operating a revenue-producing enterprise located
9 within a rural empowerment zone and employing nineteen or fewer full-time
10 employees shall be exempt from taxation under chapter 143 if such
11 revenue-producing enterprise is responsible for the creation of five new full-time
12 jobs in the zone within one year from the date on which the tax abatement begins.
13 All of the Missouri taxable income attributed to a revenue-producing enterprise
14 in a rural empowerment zone which is earned by a taxpayer operating a
15 revenue-producing enterprise located within a rural empowerment zone and
16 employing twenty or more full-time employees shall be exempt from taxation
17 under chapter 143 if such revenue-producing enterprise is responsible for the
18 creation of a number of new full-time jobs in the zone equal to twenty-five
19 percent of the number of full-time employees employed by the revenue-producing
20 enterprise on the date on which tax abatement begins within one year from the
21 date on which the tax abatement begins.**]**
22

[135.909. The provisions of sections 135.900 to 135.906 shall expire on
2 August 28, 2014.**]**
3
4 EXPLANATION: THIS SECTION SUNSET ON 08-28-14:

[137.106. 1. This section may be known and may be cited as "The
2 Missouri Homestead Preservation Act".
3 2. As used in this section, the following terms shall mean:
4 (1) "Department", the department of revenue;
5 (2) "Director", the director of revenue;
6 (3) "Disabled", as such term is defined in section 135.010;
7 (4) "Eligible owner", any individual owner of property who is sixty-five
8 years old or older as of January first of the tax year in which the individual is
9 claiming the credit or who is disabled, and who had an income of equal to or less
10 than the maximum upper limit in the year prior to completing an application
11 pursuant to this section; or
12 (a) In the case of a married couple owning property either jointly or as
13 tenants by the entirety, or where only one spouse owns the property, such couple
14 shall be considered an eligible taxpayer if both spouses have reached the age of
15 sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years
16 old and the other spouse is at least sixty years old, and the combined income of
17 the couple in the year prior to completing an application pursuant to this section
18 did not exceed the maximum upper limit; or
19 (b) In the case of joint ownership by unmarried persons or ownership by
20 tenancy in common by two or more unmarried persons, such owners shall be
21 considered an eligible owner if each person with an ownership interest

individually satisfies the eligibility requirements for an individual eligible owner under this section and the combined income of all individuals with an interest in the property is equal to or less than the maximum upper limit in the year prior to completing an application under this section. If any individual with an ownership interest in the property fails to satisfy the eligibility requirements of an individual eligible owner or if the combined income of all individuals with interest in the property exceeds the maximum upper limit, then all individuals with an ownership interest in such property shall be deemed ineligible owners regardless of such other individual's ability to individually meet the eligibility requirements; or

(c) In the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this subsection; No individual shall be an eligible owner if the individual has not paid their property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035;

(5) "Homestead", as such term is defined pursuant to section 135.010, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection 10 of this section. For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For applications filed between December 31, 2008, and December 31, 2011, the homestead exemption limit shall be based on the increase in tax

liability from the base year to the year prior to the application year. For applications filed on or after January 1, 2012, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For purposes of this subdivision, the term "base year" means the year prior to the first year in which the eligible owner's application was approved, or 2006, whichever is later;

(7) "Income", federal adjusted gross income, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property; and

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior

108 year appraised value. The applicant shall also include with the application copies
109 of receipts indicating payment of property tax by the applicant for the homestead
110 property for the two prior tax years.
111 5. If application is made in 2005, the assessor, upon request for an
112 application, shall:
113 (1) Certify the parcel number and owner of record as of January first of
114 the homestead, including verification of the acreage classified as residential on
115 the assessor's property record card;
116 (2) Obtain appropriate prior tax year levy codes for each homestead from
117 the county clerks for inclusion on the form;
118 (3) Record on the application the assessed valuation of the homestead for
119 the current tax year, and any new construction or improvements for the current
120 tax year; and
121 (4) Sign the application, certifying the accuracy of the assessor's entries.
122 6. If application is made after 2005, any potential eligible owner may
123 apply for the homestead exemption credit by completing an application.
124 Applications may be completed between April first and October fifteenth of any
125 tax year in order for the taxpayer to be eligible for the homestead exemption
126 credit in the tax year next following the calendar year in which the homestead
127 exemption credit application was completed. The application shall be on forms
128 provided by the department. Forms also shall be made available on the
129 department's internet site and at all permanent branch offices and all full-time,
130 temporary, or fee offices maintained by the department of revenue. The applicant
131 shall attest under penalty of perjury:
132 (1) To the applicant's age;
133 (2) That the applicant's prior year income was less than the maximum
134 upper limit;
135 (3) To the address of the homestead property;
136 (4) That any improvements made to the homestead, not made to
137 accommodate a disabled person, did not total more than five percent of the prior
138 year appraised value; and
139 (5) The applicant shall also include with the application copies of receipts
140 indicating payment of property tax by the applicant for the homestead property
141 for the three prior tax years.
142 7. Each applicant shall send the application to the department by October
143 fifteenth of each year for the taxpayer to be eligible for the homestead exemption
144 credit in the tax year next following the calendar year in which the application
145 was completed.
146 8. If application is made in 2005, upon receipt of the applications, the
147 department shall calculate the tax liability, adjusted to exclude new construction
148 or improvements verify compliance with the maximum income limit, verify the
149 age of the applicants, and make adjustments to these numbers as necessary on the
150 applications. The department also shall disallow any application where the

151 applicant has also filed a valid application for the senior citizens property tax
152 credit, pursuant to sections 135.010 to 135.035. Once adjusted tax liability, age,
153 and income are verified, the director shall determine eligibility for the credit, and
154 provide a list of all verified eligible owners to the county collectors or county
155 clerks in counties with a township form of government by December fifteenth of
156 each year. By January fifteenth, the county collectors or county clerks in counties
157 with a township form of government shall provide a list to the department of any
158 verified eligible owners who failed to pay the property tax due for the tax year
159 that ended immediately prior. Such eligible owners shall be disqualified from
160 receiving the credit in the current tax year.
161 9. If application is made after 2005, upon receipt of the applications, the
162 department shall calculate the tax liability, verify compliance with the maximum
163 income limit, verify the age of the applicants, and make adjustments to these
164 numbers as necessary on the applications. The department also shall disallow
165 any application where the applicant also has filed a valid application for the
166 senior citizens property tax credit under sections 135.010 to 135.035. Once
167 adjusted tax liability, age, and income are verified, the director shall determine
168 eligibility for the credit and provide a list of all verified eligible owners to the
169 county assessors or county clerks in counties with a township form of
170 government by December fifteenth of each year. By January fifteenth, the county
171 assessors shall provide a list to the department of any verified eligible owners
172 who made improvements not for accommodation of a disability to the homestead
173 and the dollar amount of the assessed value of such improvements. If the dollar
174 amount of the assessed value of such improvements totaled more than five
175 percent of the prior year appraised value, such eligible owners shall be
176 disqualified from receiving the credit in the current tax year.
177 10. The director shall calculate the level of appropriation necessary to set
178 the homestead exemption limit at five percent when based on a year of general
179 reassessment or at two and one-half percent when based on a year without general
180 reassessment for the homesteads of all verified eligible owners, and provide such
181 calculation to the speaker of the house of representatives, the president pro
182 tempore of the senate, and the director of the office of budget and planning in the
183 office of administration by January thirty-first of each year.
184 11. For applications made in 2005, the general assembly shall make an
185 appropriation for the funding of the homestead exemption credit that is signed by
186 the governor, then the director shall, by July thirty-first of such year, set the
187 homestead exemption limit. The limit shall be a single, statewide percentage
188 increase to tax liability, rounded to the nearest hundredth of a percent, which, if
189 applied to all homesteads of verified eligible owners who applied for the
190 homestead exemption credit in the immediately prior tax year, would cause all
191 but one-quarter of one percent of the amount of the appropriation, minus any
192 withholding by the governor, to be distributed during that fiscal year. The
193 remaining one-quarter of one percent shall be distributed to the county

194 assessment funds of each county on a proportional basis, based on the number of
195 eligible owners in each county; such one-quarter percent distribution shall be
196 delineated in any such appropriation as a separate line item in the total
197 appropriation. If no appropriation is made by the general assembly during any
198 tax year or no funds are actually distributed pursuant to any appropriation
199 therefor, then no homestead preservation credit shall apply in such year.
200 12. After setting the homestead exemption limit for applications made
201 in 2005, the director shall apply the limit to the homestead of each verified
202 eligible owner and calculate the credit to be associated with each verified eligible
203 owner's homestead, if any. The director shall send a list of those eligible owners
204 who are to receive the homestead exemption credit, including the amount of each
205 credit, the certified parcel number of the homestead, and the address of the
206 homestead property, to the county collectors or county clerks in counties with a
207 township form of government by August thirty-first. Pursuant to such
208 calculation, the director shall instruct the state treasurer as to how to distribute
209 the appropriation and assessment fund allocation to the county collector's funds
210 of each county or the treasurer ex officio collector's fund in counties with a
211 township form of government where recipients of the homestead exemption
212 credit are located, so as to exactly offset each homestead exemption credit being
213 issued, plus the one-quarter of one percent distribution for the county assessment
214 funds. As a result of the appropriation, in no case shall a political subdivision
215 receive more money than it would have received absent the provisions of this
216 section plus the one-quarter of one percent distribution for the county assessment
217 funds. Funds, at the direction of the county collector or the treasurer ex officio
218 collector in counties with a township form of government, shall be deposited in
219 the county collector's fund of a county or the treasurer ex officio collector's fund
220 or may be sent by mail to the collector of a county, or the treasurer ex officio
221 collector in counties with a township form of government, not later than October
222 first in any year a homestead exemption credit is appropriated as a result of this
223 section and shall be distributed as moneys in such funds are commonly
224 distributed from other property tax revenues by the collector of the county or the
225 treasurer ex officio collector of the county in counties with a township form of
226 government, so as to exactly offset each homestead exemption credit being
227 issued. In counties with a township form of government, the county clerk shall
228 provide the treasurer ex officio collector a summary of the homestead exemption
229 credit for each township for the purpose of distributing the total homestead
230 exemption credit to each township collector in a particular county.
231 13. If, in any given year after 2005, the general assembly shall make an
232 appropriation for the funding of the homestead exemption credit that is signed by
233 the governor, then the director shall determine the apportionment percentage by
234 equally apportioning the appropriation among all eligible applicants on a
235 percentage basis. If no appropriation is made by the general assembly during any

tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After determining the apportionment percentage, the director shall calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation of this section. 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, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys, pursuant to subsection 12

of this section, shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.

17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18. In accordance with the provisions of sections 23.250 to 23.298 and unless otherwise authorized pursuant to section 23.253:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.**]**

EXPLANATION: 1996 COURT DECISION MADE SECTIONS 143.105 TO 143.107 OBSOLETE:

[143.105. Notwithstanding the provisions of section 143.071, to the contrary, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to five percent of Missouri taxable income.**]**

[143.106. 1. Notwithstanding the provisions of section 143.171, to the contrary, a taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

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

[143.107. 1. Sections 143.105 and 143.106 shall become effective only if the question prescribed in subsection 2 of this section is submitted to a statewide vote and a majority of the qualified voters voting on the issue approve such question, and not otherwise.

2. If the supreme court of Missouri does not affirm in whole or in part the decision in the case of COMMITTEE FOR EDUCATION EQUALITY, et al., v. STATE OF MISSOURI, et al., No. CV 190-1371CC, and LEE'S SUMMIT SCHOOL DISTRICT R-VII, et al., v. STATE OF MISSOURI, et al., No. CV 190-510CC, a statewide election shall be held on the first regularly scheduled statewide election date after such a ruling at which an election can be held pursuant to chapter 115. At such election the qualified voters of this state shall vote on the question of whether the taxes prescribed in sections 143.105 and 143.106 shall be applied to all taxable years beginning on or after the date of such election and not otherwise. If the voters approve such question, sections 160.500 to 160.538, sections 160.545 and 160.550, sections 161.099 and 161.610, sections 162.203 and 162.1010, section 163.023, sections 166.275 and 166.300, section 170.254, section 173.750, and sections 178.585 and 178.698 shall expire thirty days after certification of the results of the election.**]**

EXPLANATION: THIS SECTION SUNSET ON 12-31-14:

[143.173. 1. As used in this section, the following terms mean:

(1) "County average wage", the average wages in each county as determined by the department of economic development for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of this section;

(2) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income, or federal taxable income in the case of a corporation, for the tax year in which such deduction is claimed;

(3) "Full-time employee", a position in which the employee is considered full-time by the taxpayer and is required to work an average of at least thirty-five hours per week for a fifty-two week period;

(4) "New job", the number of full-time employees employed by the small business in Missouri on the qualifying date that exceeds the number of full-time employees employed by the small business in Missouri on the same date of the immediately preceding taxable year;

(5) "Qualifying date", any date during the tax year as chosen by the small business;

(6) "Small business", any small business, including any sole proprietorship, partnership, S-corporation, C-corporation, limited liability company, limited liability partnership, or other business entity, consisting of fewer than fifty full- or part-time employees;

(7) "Taxpayer", any small business subject to the income tax imposed in this chapter, including any sole proprietorship, partnership, S-corporation, C-corporation, limited liability company, limited liability partnership, or other business entity.

2. In addition to all deductions listed in this chapter, for all taxable years beginning on or after January 1, 2011, and ending on or before December 31, 2014, a taxpayer shall be allowed a deduction for each new job created by the small business in the taxable year. Tax deductions allowed to any partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders. The deduction amount shall be as follows:

(1) Ten thousand dollars for each new job created with an annual salary of at least the county average wage; or

(2) Twenty thousand dollars for each new job created with an annual salary of at least the county average wage if the small business offers health insurance and pays at least fifty percent of such insurance premiums.

3. The department of revenue shall establish the procedure by which the deduction provided in this section may be claimed, and may promulgate rules to implement the provisions of this section. 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, 2011, shall be invalid and void.

4. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first three years after August 28, 2011, 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 on December thirty-first three 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.**]**

EXPLANATION: THIS SECTION CONTAINED A CONTINGENT EXPIRATION DATE OF 2/1/2010. THE DEPARTMENT OF HEALTH AND SENIOR SERVICES DETERMINED THAT THE TAX CHECKOFF WAS INSUFFICIENT, ALLOWING THIS SECTION TO EXPIRE. THE REVISOR WAS NOT NOTIFIED:

[143.1007. 1. For all tax years beginning on or after January 1, 2006, each individual or corporation entitled to a tax refund in an amount sufficient to make an irrevocable designation under this section may designate that any amount, on a single or a combined return, of the refund due be credited to the

Missouri public health services fund established in section 192.900. The director of revenue shall establish a method that allows the contribution designations authorized by this section to be indicated on the first page of each income tax return form provided by this state. The method may allow for a separate instruction list for the tax return that lists each authorized contribution designation. If any individual or corporation which is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the fund, and the department of revenue shall forward such amount to the state treasurer for deposit to the designated fund as provided in this section.

2. The director of revenue shall transfer at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the designated fund.

3. The director of revenue shall transfer at least monthly all contributions designated by corporations under this section, less one percent of the amount in the fund at the time of the transfer for the cost of collection and handling by the department of revenue, to be deposited in the state's general revenue fund, to the state treasurer for deposit to the designated fund.

4. A contribution designated under this section shall only be transferred and deposited in the designated fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. The moneys transferred and deposited under this section shall be administered by the department of health and senior services, and shall be used solely for the following purposes:

(1) To provide information on cervical cancer, early detection, testing, and prevention to the public and health care providers in this state;

(2) To collect statistical information on cervical cancer, including but not limited to age, ethnicity, region, and socioeconomic status of women in this state; and

(3) To provide services and funding for early detection, testing, and prevention of cervical cancer.

6. Not more than twenty percent of the moneys collected under this section shall be used for the costs of administering this section. Not more than thirty percent of the moneys collected under this section shall be used for the purposes listed in subdivision (1) of subsection 5 of this section. Not more than fifty percent of the moneys collected under this section shall be used for the purposes listed in subdivision (3) of subsection 5 of this section.

7. The directors of revenue and the department of health and senior services are authorized to promulgate rules and regulations necessary to administer and enforce this section. 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, 2006, shall be invalid and void.

8. The director of the department of health and senior services shall determine no later than January 31, 2010, whether moneys sufficient to carry out the provisions of this section have been transferred and deposited under this section. Upon a determination that insufficient moneys have been transferred and deposited under this section, this section shall expire on February 1, 2010, and any moneys remaining in the fund established in this section shall be used solely for existing cancer programs administered by the department of health and senior services. The director shall notify the revisor of statutes upon such determination that this section has expired.**]**

EXPLANATION: THIS SECTION SUNSET ON 07-10-14:

[160.459. 1. There is hereby established the "Rebuild Missouri Schools Program" under which the state board of education shall distribute no-interest funding to eligible school districts from moneys appropriated by the general assembly to the rebuild Missouri schools program fund for the purposes of this section to assist in paying the costs of emergency projects.

2. As used in this section, the following terms mean:

(1) "Eligible school district", any public school district that has one or more school facilities that have experienced severe damage or destruction due to an act of God or extreme weather events, including but not limited to tornado, flood, or hail;

(2) "Emergency project", reconstruction, replacement or renovation of, or repair to, any school facilities located in an area that has been declared a disaster area by the governor or President of the United States because of severe damage;

(3) "Fund", the rebuild Missouri schools fund created by this section and funded by appropriations of the general assembly;

(4) "Severe damage", such level of damage as to render all or a substantial portion of a facility within a school district unusable for the purpose for which it was being used immediately prior to the event that caused the damage.

3. Under rules and procedures established by the state board of education, eligible school districts may receive moneys from the fund to pay for the costs of one or more emergency projects.

4. Each eligible school district applying for such funding shall enter into an agreement with the state board of education which shall provide for all of the following:

(1) The funding shall be used only to pay the costs of an emergency project;

(2) The eligible school district shall pay no interest for the funding;

(3) The eligible school district shall, subject to annual appropriation as provided in this section, repay the amount of the funding to the fund in annual installments, which may or may not be equal in amount, not more than twenty years from the date the funding is received by the eligible school district. If the fund is no longer in existence, the eligible school district shall repay the amount of the funding to the general revenue fund;

(4) The repayment described in subdivision (3) of this subsection shall annually be subject to an appropriation by the board of education of the eligible school district to make such repayment, such appropriation to be, at the discretion of the eligible school district, from such district's incidental fund or capital projects fund;

(5) As security for the repayment, a pledge from the eligible school district to the state board of education of the use and occupancy of the school facilities constituting the emergency project for a period ending not earlier than the date the repayment shall be completed; and

(6) Such other provisions as the state board of education shall provide for in its rules and procedures or as to which the state board of education and the eligible school district shall agree.

5. The amount of funding awarded by the state board of education for any emergency project shall not exceed the cost of that emergency project less the amount of any insurance proceeds or other moneys received by the eligible school district as a result of the severe damage. If the eligible school district receives such insurance proceeds or other moneys after it receives funding under the rebuild Missouri schools program, it shall pay to the state board of education the amount by which the sum of the funding under the rebuild Missouri schools program plus the insurance proceeds and other moneys exceeds the cost of the emergency project. Such payment shall:

(1) Be made at the time the annual payment under the agreement is made;

(2) Be made whether or not the eligible school district has made an appropriation for its annual payment;

(3) Be in addition to the annual payment; and

(4) Not be a credit against the annual payment.

6. Repayments from eligible school districts shall be paid into the fund so long as it is in existence and may be used by the state board of education to provide additional funding under the rebuild Missouri schools program. If the fund is no longer in existence, repayments shall be paid to the general revenue fund.

7. The funding provided for under the rebuild Missouri schools program, and the obligation to repay such funding, shall not be taken into account for purposes of any constitutional or statutory debt limitation applicable to an eligible school district.

8. The state board of education shall establish procedures, criteria, and deadlines for eligible school districts to follow in applying for assistance under this section. The state board of education shall promulgate rules and regulations necessary to implement this section. No regulations, procedures, or deadline shall be adopted by the state board of education that would serve to exclude or limit any public school district that received severe damage after April 1, 2006, from participation in the program established by this section. 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, 2008, shall be invalid and void.

9. There is hereby created in the state treasury the "Rebuild Missouri Schools Fund", which shall consist of money appropriated or collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purposes of this section. Any moneys remaining in the fund at the end of the biennium shall 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.

10. Pursuant to 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 July 10, 2008, 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.**]**

EXPLANATION: THIS SECTION SUNSET ON JUNE 30, 2012:

[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.**]**

EXPLANATION: SECTIONS 168.700 AND 168.702 SUNSET 08-28-13:

[168.700. 1. This act shall be known, and may be cited, as the "Missouri Teaching Fellows Program".

2. As used in this section, the following terms shall mean:

(1) "Department", the Missouri department of higher education;

(2) "Eligible applicant", a high school senior who:

(a) Is a United States citizen;

(b) Has a cumulative grade point average ranking in the top ten percentile in their graduating class and scores in the top twenty percentile on either the ACT or SAT assessment; or has a cumulative grade point average ranking in the top twenty percentile in their graduating class and scores in the top ten percentile of the ACT or SAT assessment;

(c) Upon graduation from high school, attends a Missouri higher education institution and attains a teaching certificate and either a bachelors or graduate degree with a cumulative grade point average of at least three-point zero on a four-point scale or equivalent;

(d) Signs an agreement with the department in which the applicant agrees to engage in qualified employment upon graduation from a higher education institution for five years; and

(e) Upon graduation from the higher education institution, engages in qualified employment;

(3) "Qualified employment", employment as a teacher in a school located in a school district that is not classified as accredited by the state board of education at the time the eligible applicant signs their first contract to teach in such district. Preference in choosing schools to receive participating teachers shall be given to schools in such school districts with a higher-than-the-state-average of students eligible to receive a reduced lunch price under the National School Act, 42 U.S.C. Section 1751, et seq., as amended;

28 (4) "Teacher", any employee of a school district, regularly required to be
29 certified under laws relating to the certification of teachers, except
30 superintendents and assistant superintendents but including certified teachers who
31 teach at the prekindergarten level within a prekindergarten program in which no
32 fees are charged to parents or guardians.
33 3. Within the limits of amounts appropriated therefor, the department
34 shall, upon proper verification to the department by an eligible applicant and the
35 school district in which the applicant is engaged in qualified employment, enter
36 into a one-year contract with eligible applicants to repay the interest and principal
37 on the educational loans of the applicants or provide a stipend to the applicant as
38 provided in subsection 4 of this section. The department may enter into
39 subsequent one-year contracts with eligible applicants, not to total more than five
40 such contracts. The fifth one-year contract shall provide for a stipend to such
41 applicants as provided in subsection 4 of this section. If the school district
42 becomes accredited at any time during which the eligible applicant is teaching at
43 a school under a contract entered into pursuant to this section, nothing in this
44 section shall preclude the department and the eligible applicant from entering into
45 subsequent contracts to teach within the school district. An eligible applicant
46 who does not enter into a contract with the department under the provisions of
47 this subsection shall not be eligible for repayment of educational loans or a
48 stipend under the provisions of subsection 4 of this section.
49 4. At the conclusion of each of the first four academic years that an
50 eligible applicant engages in qualified employment, up to one-fourth of the
51 eligible applicant's educational loans, not to exceed five thousand dollars per
52 year, shall be repaid under terms provided in the contract. For applicants without
53 any educational loans, the applicant may receive a stipend of up to five thousand
54 dollars at the conclusion of each of the first four academic years that the eligible
55 applicant engages in qualified employment. At the conclusion of the fifth
56 academic year that an eligible applicant engages in qualified employment, a
57 stipend in an amount equal to one thousand dollars shall be granted to the eligible
58 applicant. The maximum of five thousand dollars per year and the stipend of one
59 thousand dollars shall be adjusted annually by the same percentage as the
60 increase in the general price level as measured by the Consumer Price Index for
61 All Urban Consumers for the United States, or its successor index, as defined and
62 officially recorded by the United States Department of Labor or its successor
63 agency. The amount of any repayment of educational loans or the issuance of a
64 stipend under this subsection shall not exceed the actual cost of tuition, required
65 fees, and room and board for the eligible applicant at the institution of higher
66 education from which the eligible applicant graduated.
67 5. The department shall maintain a Missouri teaching fellows program
68 coordinator position, the main responsibility of which shall be the identification,
69 recruitment, and selection of potential students meeting the requirements of
70 paragraph (b) of subdivision (2) of subsection 2 of this section. In selecting

71 potential students, the coordinator shall give preference to applicants that
72 represent a variety of racial backgrounds in order to ensure a diverse group of
73 eligible applicants.
74 6. The department shall promulgate rules to enforce the provisions of this
75 section, including, but not limited to, applicant eligibility, selection criteria, and
76 the content of loan repayment contracts. If the number of applicants exceeds the
77 revenues available for loan repayment or stipends, priority shall be to those
78 applicants with the highest high school grade-point average and highest scores
79 on the ACT or SAT assessments.
80 7. Any rule or portion of a rule, as that term is defined in section 536.010,
81 that is created under the authority delegated in this section shall become effective
82 only if it complies with and is subject to all of the provisions of chapter 536 and,
83 if applicable, section 536.028. This section and chapter 536 are nonseverable and
84 if any of the powers vested with the general assembly pursuant to chapter 536 to
85 review, to delay the effective date, or to disapprove and annul a rule are
86 subsequently held unconstitutional, then the grant of rulemaking authority and
87 any rule proposed or adopted after August 28, 2007, shall be invalid and void.
88 8. There is hereby created in the state treasury the "Missouri Teaching
89 Fellows Program Fund". The state treasurer shall be custodian of the fund and
90 may approve disbursements from the fund in accordance with sections 30.170
91 and 30.180. Private donations, federal grants, and other funds provided for the
92 implementation of this section shall be placed in the Missouri teaching fellows
93 program fund. Upon appropriation, money in the fund shall be used solely for the
94 repayment of loans and the payment of stipends under the provisions of this
95 section. Notwithstanding the provisions of section 33.080 to the contrary, any
96 moneys remaining in the fund at the end of the biennium shall not revert to the
97 credit of the general revenue fund. The state treasurer shall invest moneys in the
98 fund in the same manner as other funds are invested. Any interest and moneys
99 earned on such investments shall be credited to the fund.
100 9. Subject to appropriations, the general assembly shall include an
101 amount necessary to properly fund this section, not to exceed one million dollars
102 in any fiscal year. The maximum of one million dollars in any fiscal year shall
103 be adjusted annually by the same percentage as the increase in the general price
104 level as measured by the Consumer Price Index for All Urban Consumers for the
105 United States, or its successor index, as defined and officially recorded by the
106 United States Department of Labor or its successor agency.**]**
107

[168.702. Pursuant to section 23.253 of the Missouri sunset act:
2 (1) Any new program authorized under section 168.700 shall
3 automatically sunset six years after August 28, 2007, unless reauthorized by an
4 act of the general assembly; and

(2) If such program is reauthorized, the program authorized under section 168.700 shall automatically sunset twelve years after the effective date of the reauthorization of this act; and

(3) Section 168.700 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under section 168.700 is sunset.**]**

EXPLANATION: SECTIONS 170.055 TO 170.161 CONTAIN OBSOLETE TEXTBOOK LANGUAGE:

[170.055. No school board shall pay a higher price for books than is paid by any other school district in this state, or in any other state purchasing textbooks in the open market. No contract for books for a period of more than five years shall be made by any school district under the provisions of this law. Any owner, agent, solicitor or publisher of textbooks who shall offer for sale in this state or sell to any board of directors or board of education textbooks at a higher price than herein specified shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than five hundred dollars and not more than ten thousand dollars for each offense.**]**

[170.061. Before the publisher of any school textbook offers the same for sale to any school board in the state of Missouri, he shall file a copy of the textbook in the office of the state board of education with a sworn statement of the list price and the lowest net price at which the book is sold anywhere in the United States under like conditions of distribution. The publisher shall file with the state board of education a written agreement to furnish the book or books to any school board in Missouri at the price so filed. The publisher must further agree to reduce the prices in Missouri if reductions are made elsewhere in the country, so that at no time may any book be sold in Missouri at a higher price than is received for the same book elsewhere in the country where like methods of distribution prevail. The publisher shall further agree that all books offered for sale in Missouri shall be equal in quality to those deposited in the office of the state board of education as to paper, binding, print, illustration and all points that may affect the value of the books.**]**

[170.071. Before the publisher of any school textbook offers it for sale to any school board in the state of Missouri, and at the time of the filing of the textbook in the office of the state board of education, the publisher shall pay into the treasury of the state of Missouri a filing fee of ten dollars for each book offered by the publisher. A series of books by the same author and upon the same subject constitute one book for this purpose. The fees received constitute a fund out of which, upon requisition made by the state board of education, shall be paid the expenses of publishing lists and other information for the use of

school boards, clerk hire and the other necessary expenses in connection with the filing of all textbooks submitted for adoption in the state of Missouri.**]**

[170.081. To insure compliance with the conditions under which school textbooks may be sold in the state of Missouri, the publisher shall file with the state board of education a bond of not less than two thousand dollars nor more than ten thousand dollars, to be approved by the state board and the amount to be fixed by it; upon compliance with this and sections 170.071, 170.131 and 170.141, the publisher shall thereupon be licensed to sell school books in this state.**]**

[170.091. The state board of education shall furnish annually each school district with a list of publishers who have conformed to the law relating to sample books, prices and bond.**]**

[170.101. If in any case the publisher furnishes books inferior in any particular to the sample on file with the state board of education, or requires higher prices than those listed with the board, then the school board shall inform the state board of education of the failure of the publisher to comply with the terms of his contract. The state board of education shall thereupon notify the publisher of the complaint, and, if the publisher disregards the notification and fails to comply immediately with the terms of his contract, then the state board of education shall institute legal proceedings for the forfeiture of the bond of the publisher.**]**

[170.111. Before seeking to enter into contract with any school board, the publisher shall furnish the clerk of the school board with a duplicate printed list of the books and prices filed with the state board of education.**]**

[170.131. When any publisher of school textbooks files with the state board of education the samples and lists provided for in section 170.061, the publisher at the same time shall file a sworn statement that he has no understanding or agreement of any kind with any other publisher, or interest in the business of any other publisher, with the effect, design or intent to control the prices on books or to restrict competition in the adoption or sale thereof.**]**

[170.141. Before being licensed to sell school textbooks in this state, the publisher thereof shall file with the state board of education a sworn statement, showing the ownership of the publishing house, with the interest, names and addresses of the owners, and specifically stating whether or not the publisher, or the owner of any interest or shares in the publishing house, is the owner of any interest or shares in any other publishing house, and if so, giving the name and address thereof.**]**

[170.151. If at any time any publisher enters into any understanding, agreement or combination to control the prices or to restrict competition in the adoption or sale of school books, or if the statements required of the publisher by sections 170.131 and 170.141 are untrue in any respect, then the attorney general shall institute and prosecute legal proceedings for the forfeiture of the bond of the publisher and for the revocation of his authority to sell school books in this state, and all contracts made by the publisher under this law shall thereupon become null and void at the option of the other parties thereto.]

[170.161. Any publisher who sells, or offers for sale or adoption in this state, school textbooks of any kind without first obtaining licenses therefor under this law is guilty of a misdemeanor and upon conviction shall be fined not less than five hundred dollars and not more than five thousand dollars.]

EXPLANATION: THIS SECTION IS OBSOLETE DUE TO THE REPEAL OF SECTIONS 173.198 AND 173.199 IN 2012:

[173.197. Sections 173.197 to 173.199 shall be known and may be cited as the "Higher Education Scholarship Program". The general assembly hereby finds and declares that Missouri citizens should be encouraged to pursue academic disciplines necessary for the future economic well-being of this state to maintain competitiveness in a global economy; therefore, the purpose of sections 173.197 to 173.199 is to increase the number of students pursuing and receiving undergraduate degrees in mathematics, science, and foreign languages, and to increase the number of students pursuing and receiving graduate degrees in mathematics, science, engineering and foreign languages, by offering scholarships and fellowships as incentives to pursue such disciplines.]

EXPLANATION: SECTIONS 205.580 TO 208.760 ARE OBSOLETE; THERE ARE NO POOR FARMS IN MISSOURI:

[205.580. Poor persons shall be relieved, maintained and supported by the county of which they are inhabitants.]

[205.590. Aged, infirm, lame, blind or sick persons, who are unable to support themselves, and when there are no other persons required by law and able to maintain them, shall be deemed poor persons.]

[205.600. No person shall be deemed an inhabitant within the meaning of sections 205.580 to 205.760, who has not resided in the county for the space of twelve months next preceding the time of any order being made respecting such poor person, or who shall have removed from another county for the purpose of imposing the burden of keeping such poor person on the county where he or she last resided for the time aforesaid.]

[205.610. The county commission of each county, on the knowledge of the judges of such tribunal, or any of them, or on the information of any associate circuit judge of the county in which any person entitled to the benefit of the provisions of sections 205.580 to 205.760 resides, shall from time to time, and as often and for as long a time as may be necessary, provide, at the expense of the county, for the relief, maintenance and support of such persons.]

[205.620. The county commission shall at all times use its discretion and grant relief to all persons, without regard to residence, who may require its assistance.]

[205.630. The county commission of the proper county shall allow such sum as it shall think reasonable, for the funeral expenses of any person who shall die within the county without means to pay such funeral expenses.]

[205.640. The several county commissions shall have power, whenever they may think it expedient, to purchase or lease, or may purchase and lease, any quantity of land in their respective counties, not exceeding three hundred and twenty acres, and receive a conveyance to their county for the same.]

[205.650. Such county commission may cause to be erected on the land so purchased or leased a convenient poorhouse or houses, and cause other necessary labor to be done, and repairs and improvements made, and may appropriate from the revenues of their respective counties such sums as will be sufficient to pay the purchase money in one or more payments to improve the same, and to defray the necessary expenses.]

[205.660. The county commission shall have power to make all necessary and proper orders and rules for the support and government of the poor kept at such poorhouse, and for supplying them with the necessary raw materials to be converted by their labor into articles of use, and for the disposing of the products of such labor and applying the proceeds thereof to the support of the institution.]

[205.670. The several county commissions shall set apart from the revenues of the counties such sums for the annual support of the poor as shall seem reasonable, which sums the county treasurers shall keep separate from other funds, and pay the same out on the warrants of their county commissions.]

[205.680. Any county which now has or may hereafter have within such county a city having a special charter and which city now has or may hereafter have a population of not less than ten thousand inhabitants and not more than thirty thousand inhabitants shall, out of the funds of such county, provide for the care of the poor in said county, including poor of such city or cities, and no such

city shall hereafter be exempt from any tax for the support of the poor of such county. No money shall hereafter be refunded to any such city by any such county on account of any money expended by said county for the support of the poor of said county.]

[205.690. Whenever such poorhouse or houses are erected, the county commission shall have power to appoint a fit and discreet person to superintend the same and the poor who may be kept thereat, and to allow such superintendent a reasonable compensation for his services.]

[205.700. Such superintendent shall have power to cause persons kept at such poorhouse, who are able to do useful labor, to perform the same by reasonable and humane coercion.]

[205.710. The county commission may at any time, for good cause, remove the superintendent and appoint another to fill the vacancy.]

[205.720. It shall be the duty of the superintendent of the poor, or poor farm, as provided for in sections 205.580 to 205.760, to keep a book furnished by the county commission, and enter therein a book account of all business transactions had or done or caused to be done by him as superintendent. Said book shall show an itemized account of all farm products, stock and other articles sold by the superintendent or by his authority, and of all articles purchased for the use of the poor, or for the use or improvement of the poor farm or the buildings thereon, and of all expenses for farm labor and other work or services done by order or contract of the superintendent, and of such other items as may be ordered kept therein by the county commission.]

[205.730. It shall be the duty of the superintendent to appear before the county commission on the first day of every regular session thereof, and at such other times as the commission may require, and present said book to said commission for their inspection. Should the superintendent fail or refuse to keep such book and present the same to the county commission, as provided in sections 205.580 to 205.760, it shall be considered sufficient cause for his removal, and it shall be the duty of the county commission to remove the same, and appoint another to fill the vacancy.]

[205.740. All money that shall come into the hands of the superintendent from the sale of farm products, stock or other articles belonging to the county, and all other money belonging to the county that shall come into his hands from other sources, except by warrants drawn in his favor by the county commission, shall be paid into the county treasury and placed with the fund for the support of the poor, and a receipt taken for the same.]

[205.750. Every superintendent, before entering upon his duties, shall enter into a bond to the state of Missouri in a sum not less than five hundred nor more than three thousand dollars, to be determined by the county commission, conditioned that he will faithfully account for all money belonging to the county that shall come into his hands, and that he will exercise due diligence and care over property belonging to the county, under his control. Said bond shall be approved by the county commission and filed with the clerk thereof.]

[205.760. Sections 205.720 to 205.750 shall not apply to any county where the support and keeping of the poor is let out by contract, nor to any county where the superintendent rents or leases the poor farm and stocks the same and furnishes the necessary farm implements used thereon at his own expense, and carries on said farm at his own expense.]

EXPLANATION: THIS SECTION SUNSET 08-28-13:

[208.178. 1. On or after July 1, 1995, the department of social services may make available for purchase a policy of health insurance coverage through the Medicaid program. Premiums for such a policy shall be charged based upon actuarially sound principles to pay the full cost of insuring persons under the provisions of this section. The full cost shall include both administrative costs and payments for services. Coverage under a policy or policies made available for purchase by the department of social services shall include coverage of all or some of the services listed in section 208.152 as determined by the director of the department of social services. Such a policy may be sold to a person who is otherwise uninsured and who is:

(1) A surviving spouse eligible for coverage under sections 376.891 to 376.894, who is determined under rules and regulations of the department of social services to be unable to afford continuation of coverage under that section;

(2) An adult over twenty-one years of age who is not pregnant and who resides in a household with an income which does not exceed one hundred eighty-five percent of the federal poverty level for the applicable family size. Net taxable income shall be used to determine that portion of income of a self-employed person; or

(3) A dependent of an insured person who resides in a household with an income which does not exceed one hundred eighty-five percent of the federal poverty level for the applicable family size.

2. Any policy of health insurance sold pursuant to the provisions of this section shall conform to requirements governing group health insurance under chapters 375, 376, and 379.

3. The department of social services shall establish policies governing the issuance of health insurance policies pursuant to the provisions of this section by rules and regulations developed in consultation with the department of insurance, financial institutions and professional registration.

4. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset one year after August 28, 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 one year 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.**]**

EXPLANATION: SECTION 208.275 CREATING THE COORDINATING COUNCIL ON SPECIAL TRANSPORTATION WAS REPEALED IN 2014:

[208.630. The coordinating council on special transportation created in section 208.275 shall, in cooperation with the department of social services, coordinate existing transportation reports for Missouri's elderly and persons with disabilities. Such reports shall be compiled as one comprehensive plan to meet the special transportation needs of the elderly and persons with disabilities. The plan shall contain a strategy for implementation and recommendations for funding. The plan shall be delivered to the governor, the president pro tem of the senate, and the speaker of the house of representatives by September 1, 1995.**]**

EXPLANATION: THE FUND IN THIS SECTION IS OBSOLETE AND CONTAINS NO BALANCE:

[208.975. 1. There is hereby created in the state treasury the "Health Care Technology Fund" which shall consist of all gifts, donations, transfers, and moneys appropriated by the general assembly, and bequests to the fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. The fund shall be administered by the department of social services in accordance with the recommendations of the MO HealthNet oversight committee unless otherwise specified by the general assembly. Moneys in the fund shall be distributed in accordance with specific appropriation by the general assembly. The director of the department of social services shall submit his or her recommendations for the disbursement of the funds to the governor and the general assembly.

2. Subject to the recommendations of the MO HealthNet oversight committee under section 208.978 and subsection 1 of this section, moneys in the fund shall be used to promote technological advances to improve patient care, decrease administrative burdens, increase access to timely services, and increase patient and health care provider satisfaction. Such programs or improvements on technology shall include encouragement and implementation of technologies intended to improve the safety, quality, and costs of health care services in the state, including but not limited to the following:

(1) Electronic medical records;
(2) Community health records;
(3) Personal health records;
(4) E-prescribing;
(5) Telemedicine;
(6) Telemonitoring; and
(7) Electronic access for participants and providers to obtain MO HealthNet service authorizations.

3. Prior to any moneys being appropriated or expended from the health care technology fund for the programs or improvements listed in subsection 2 of this section, there shall be competitive requests for proposals consistent with state procurement policies of chapter 34. After such process is completed, the provisions of subsection 1 of this section relating to the administration of fund moneys shall be effective.

4. For purposes of this section, "elected public official or any state employee" means a person who holds an elected public office in a municipality, a county government, a state government, or the federal government, or any state employee, and the spouse of either such person, and any relative within one degree of consanguinity or affinity of either such person.

5. Any amounts appropriated or expended from the health care technology fund in violation of this section shall be remitted by the payee to the fund with interest paid at the rate of one percent per month. The attorney general is authorized to take all necessary action to enforce the provisions of this section, including but not limited to obtaining an order for injunction from a court of competent jurisdiction to stop payments from being made from the fund in violation of this section.

6. Any business or corporation which receives moneys expended from the health care technology fund in excess of five hundred thousand dollars in exchange for products or services and, during a period of two years following receipt of such funds, employs or contracts with any current or former elected public official or any state employee who had any direct decision-making or administrative authority over the awarding of health care technology fund contracts or the disbursement of moneys from the fund shall be subject to the provisions contained within subsection 5 of this section. Employment of or contracts with any current or former elected public official or any state employee which commenced prior to May 1, 2007, shall be exempt from these provisions.

7. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund, except for moneys that were gifts, donations, or bequests.

8. 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.

9. The MO HealthNet division shall promulgate rules setting forth the procedures and methods implementing the provisions of this section and establish criteria for the disbursement of funds under this section to include but not be limited to grants to community health networks that provide the majority of care provided to MO HealthNet and low-income uninsured individuals in the community, and preference for health care entities where the majority of the patients and clients served are either participants of MO HealthNet or are from the medically underserved population. 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, 2007, shall be invalid and void.**]**

EXPLANATION: THE JOINT COMMITTEE ON MEDICAID TRANSFORMATION EXPIRED ON JANUARY 1, 2014:

[208.993. 1. The president pro tempore of the senate and the speaker of the house of representatives may jointly establish a committee to be known as the "Joint Committee on Medicaid Transformation".

2. The committee may study the following:

(1) Development of methods to prevent fraud and abuse in the MO HealthNet system;

(2) Advice on more efficient and cost-effective ways to provide coverage for MO HealthNet participants;

(3) An evaluation of how coverage for MO HealthNet participants can resemble that of commercially available health plans while complying with federal Medicaid requirements;

(4) Possibilities for promoting healthy behavior by encouraging patients to take ownership of their health care and seek early preventative care;

(5) Advice on the best manner in which to provide incentives, including a shared risk and savings to health plans and providers to encourage cost-effective delivery of care; and

(6) Ways that individuals who currently receive medical care coverage through the MO HealthNet program can transition to obtaining their health coverage through the private sector.

3. If established, the joint committee shall be composed of twelve members. Six members shall be from the senate, with four members appointed by the president pro tempore of the senate, and two members of the minority party appointed by the president pro tempore of the senate with the advice of the minority leader of the senate. Six members shall be from the house of

representatives, with four members appointed by the speaker of the house of representatives, and two members of the minority party appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

4. The provisions of this section shall expire on January 1, 2014.**]**

EXPLANATION: THE TASK FORCE CREATED IN THIS SECTION SUBMITTED A REPORT AND EXPIRED ON JANUARY 1, 2015:

[210.105. 1. There is hereby created the "Missouri Task Force on Prematurity and Infant Mortality" within the children's services commission to consist of the following eighteen members:

(1) The following six members of the general assembly:

(a) Three members of the house of representatives, with two members to be appointed by the speaker of the house and one member to be appointed by the minority leader of the house;

(b) Three members of the senate, with two members to be appointed by the president pro tem of the senate and one member to be appointed by the minority leader of the senate;

(2) The director of the department of health and senior services, or the director's designee;

(3) The director of the department of social services, or the director's designee;

(4) The director of the department of insurance, financial institutions and professional registration, or the director's designee;

(5) One member representing a not-for-profit organization specializing in prematurity and infant mortality;

(6) Two members who shall be either a physician or nurse practitioner specializing in obstetrics and gynecology, family medicine, pediatrics or perinatology;

(7) Two consumer representatives who are parents of individuals born prematurely, including one parent of an individual under the age of eighteen;

(8) Two members representing insurance providers in the state;

(9) One small business advocate; and

(10) One member of the small business regulatory fairness board. Members of the task force, other than the legislative members and directors of state agencies, shall be appointed by the governor with the advice and consent of the senate by September 15, 2011.

2. A majority of a quorum from among the task force membership shall elect a chair and vice chair of the task force.

3. A majority vote of a quorum of the task force is required for any action.

4. The chairperson of the children's services commission shall convene the initial meeting of the task force by no later than October 15, 2011. The task

force shall meet at least quarterly; except that the task force shall meet at least twice prior to the end of 2011. Meetings may be held by telephone or video conference at the discretion of the chair.

5. Members shall serve on the commission without compensation, but may, subject to appropriation, be reimbursed for actual and necessary expenses incurred in the performance of their official duties as members of the task force.

6. The goal of the task force is to seek evidence-based and cost-effective approaches to reduce Missouri's preterm birth and infant mortality rates.

7. The task force shall:

(1) Submit findings to the general assembly;

(2) Review appropriate and relevant evidence-based research regarding the causes and effects of prematurity and birth defects in Missouri;

(3) Examine existing public and private entities currently associated with the prevention and treatment of prematurity and infant mortality in Missouri;

(4) Develop cost-effective strategies to reduce prematurity and infant mortality; and

(5) Issue findings and propose to the appropriate public and private organizations goals, objectives, strategies, and tactics designed to reduce prematurity and infant mortality in Missouri, including recommendations on public policy for consideration during the next appropriate session of the general assembly.

8. On or before December 31, 2013, the task force shall submit a report on their findings to the governor and general assembly. The report shall include any dissenting opinions in addition to any majority opinions.

9. The task force shall expire on January 1, 2015, or upon submission of a report under subsection 8 of this section, whichever is earlier.**]**

EXPLANATION: THIS SECTION IS OBSOLETE; THERE HAS BEEN NO ACTIVITY FROM THE INTERAGENCY WORKGROUP:

[251.650. 1. Not less than twice each calendar year, representatives from the department of labor and industrial relations, the department of elementary and secondary education, the department of agriculture, the department of economic development, and the department of natural resources shall meet to discuss ways in which their respective agencies may collaborate in order to secure grants established in the Energy Independence and Security Act of 2007, Public Law 110-140, or other such grants that would fund: green jobs; the production of renewable fuels; increasing energy efficiency of products, buildings and vehicles; and increasing research and development relating to the manufacturing of renewable energy technologies. The department of natural resources is hereby designated as the coordinating agency for the inter-agency collaboration under this section.

2. In fulfilling the goals under this section, any of the departments under subsection 1 of this section may confer with, or invite participation by, any other

interested individual, agency, or organization, which shall include but not be limited to nonprofit organizations, private sector entities, institutions of higher education, and local governments. Such departments may enter into partnerships with, in accordance with federal grant requirements and as otherwise allowable by law, any individual, agency, or organization in securing a grant under this section.

3. No later than the first Wednesday after the first Monday of January each year, the departments outlined in subsection 1 of this section shall report jointly to the general assembly and to the governor the actions taken by their agencies in securing the grants outlined in this section.**]**

EXPLANATION: THIS SECTION ONLY APPLIES TO CALENDAR YEARS 2009, 2010, AND 2011:

[288.131. 1. For calendar years 2009, 2010, and 2011, each employer that is liable for contributions under this chapter, except employers with a contribution rate equal to zero, shall pay an annual unemployment automation surcharge in an amount equal to five one-hundredths of one percent of such employer's total taxable wages for the twelve-month period ending the preceding June thirtieth. However, the division may reduce the foregoing percentage to ensure that the total amount of surcharge due from all employers under this subsection shall not exceed thirteen million dollars annually. Each employer liable to pay such surcharge shall be notified of the amount due under this subsection by March thirty-first of each year and such amount shall be considered delinquent thirty days thereafter. Delinquent unemployment automation surcharge amounts may be collected in the manner provided under sections 288.160 and 288.170. All moneys collected under this subsection shall be deposited in the unemployment automation fund established in section 288.132.

2. For calendar years 2009, 2010, and 2011, the otherwise applicable unemployment contribution rate of each employer liable for contributions under this chapter shall be reduced by five one-hundredths of one percent, except such contribution rate shall not be less than zero.**]**

EXPLANATION: THIS SECTION EXPIRED 12-31-13:

[376.1192. 1. As used in this section, "health benefit plan" and "health carrier" shall have the same meaning as such terms are defined in section 376.1350.

2. Beginning September 1, 2013, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if state mandates were enacted to provide health benefit plan coverage for the following:

(1) Orally administered anticancer medication that is used to kill or slow the growth of cancerous cells charged at the same co-payment, deductible, or

11 coinsurance amount as intravenously administered or injected cancer medication
12 that is provided, regardless of formulation or benefit category determination by
13 the health carrier administering the health benefit plan;
14 (2) Diagnosis and treatment of eating disorders that include anorexia
15 nervosa, bulimia, binge eating, eating disorders nonspecified, and any other
16 severe eating disorders contained in the most recent version of the Diagnostic and
17 Statistical Manual of Mental Disorders published by the American Psychiatric
18 Association. The actuarial analysis shall assume the following are included in
19 health benefit plan coverage:
20 (a) Residential treatment for eating disorders, if such treatment is
21 medically necessary in accordance with the Practice Guidelines for the Treatment
22 of Patients with Eating Disorders, as most recently published by the American
23 Psychiatric Association; and
24 (b) Access to medical treatment that provides coverage for integrated
25 care and treatment as recommended by medical and mental health care
26 professionals, including but not limited to psychological services, nutrition
27 counseling, physical therapy, dietician services, medical monitoring, and
28 psychiatric monitoring.
29 3. By December 31, 2013, the director of the oversight division of the
30 joint committee on legislative research shall submit a report of the actuarial
31 findings prescribed by this section to the speaker of the house of representatives,
32 the president pro tempore of the senate, and the chairpersons of the house of
33 representatives committee on health insurance and the senate small business,
34 insurance and industry committee, or the committees having jurisdiction over
35 health insurance issues if the preceding committees no longer exist.
36 4. For the purposes of this section, the actuarial analysis of health benefit
37 plan coverage shall assume that such coverage:
38 (1) Shall not be subject to any greater deductible or co-payment than
39 other health care services provided by the health benefit plan; and
40 (2) Shall not apply to a supplemental insurance policy, including a life
41 care contract, accident-only policy, specified disease policy, hospital policy
42 providing a fixed daily benefit only, Medicare supplement policy, long-term care
43 policy, short-term major medical policies of six months' or less duration, or any
44 other supplemental policy.
45 5. The cost for each actuarial analysis shall not exceed thirty thousand
46 dollars and the oversight division of the joint committee on legislative research
47 may utilize any actuary contracted to perform services for the Missouri
48 consolidated health care plan to perform the analysis required under this section.
49 6. The provisions of this section shall expire on December 31, 2013.**]**
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51 EXPLANATION: SECTIONS 414.350 TO 414.359 ARE OBSOLETE; THE PROGRAM WAS
52 NOT IMPLEMENTED SINCE ITS AUTHORIZATION IN 1998:

[414.350. As used in sections 414.350 to 414.359, the following terms mean:

(1) "Alternative fuel", the same meaning as in section 414.400;

(2) "Division", the division of energy of the department of natural resources;

(3) "Fueling station", the equipment and property directly related to dispensing of an alternative fuel into the fuel tank of a vehicle propelled by such fuel, including the compression equipment and storage vessels for such fuel at the location where such fuel is dispensed;

(4) "Fund", the Missouri alternative fuel vehicle loan fund;

(5) "Incremental cost", the difference in cost between a vehicle that operates on conventional fuel and the cost of the same model vehicle equipped to operate on an alternative fuel;

(6) "Political subdivision", any county, township, municipal corporation, school district or other governmental unit in this state, but not including any "state agency" as such term is defined in section 536.010; and

(7) "Vehicle fleet", any fleet owned and operated by a political subdivision and comprised of ten or more motor vehicles with a manufacturer's gross vehicle weight rating of not more than eight thousand five hundred pounds registered for operation on the highways of this state pursuant to chapter 301.]

[414.353. 1. On or before July 1, 2000, the division shall have developed an administrative plan for implementing a program that provides financial assistance to political subdivisions for establishing the capability of using alternative fuels in their vehicle fleets.

2. The program shall accept applications for loans from political subdivisions with vehicle fleets for the:

(1) Purchase of new motor vehicles capable of using alternative fuels;

(2) Conversion of motor vehicles which operate on gasoline to enable such vehicles to operate on an alternative fuel; and

(3) Construction of fueling stations capable of dispensing alternative fuels.

3. The division shall evaluate plans developed by applicants for converting their vehicle fleets to operate on alternative fuels, and shall give preference in making loans to those applicants who are prepared to make substantial investments of their own funds in converting their vehicle fleets and who will work cooperatively with the state, other political subdivisions, and private entities in developing a fueling infrastructure capable of dispensing alternative fuels in this state.

4. The division may promulgate any rules necessary to carry out the provisions of sections 414.350 to 414.359. No rule or portion of a rule promulgated pursuant to sections 414.350 to 414.359 shall take effect unless it has been promulgated pursuant to chapter 536.]

[414.356. 1. Using the fund created in section 414.359, the division shall provide loans of:

(1) A maximum of two thousand dollars for the incremental cost of purchasing a new vehicle capable of operating on an alternative fuel;

(2) A maximum of two thousand dollars for the conversion of a new or existing vehicle designed to operate on gasoline to enable such vehicle to operate on an alternative fuel; and

(3) A maximum of one hundred thousand dollars for the construction of a fueling station capable of dispensing an alternative fuel.

2. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the purchase or conversion of alternative fuel vehicles in any one year.

3. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the construction of fueling stations in any one year.

4. The division shall establish the interest rate and terms of repayment for each loan agreement established pursuant to sections 414.350 to 414.359. In establishing the repayment schedule, the division shall consider the projected savings to the political subdivision resulting from use of an alternative fuel, but such repayment schedule shall be for a maximum repayment period of four years and shall include provisions for payments to be made on a monthly basis.

5. Any political subdivision that receives a loan pursuant to sections 414.350 to 414.359 shall:

(1) Remit payments on the repayment schedule established by the division;

(2) Agree to use the alternative fuel for which vehicles purchased with the aid of such loans were designed;

(3) Provide reasonable data requested by the division on the use and performance of vehicles purchased with the aid of such loans;

(4) Allow for reasonable inspections by the division of vehicles purchased and fueling stations constructed with the aid of such loans; and

(5) Make fueling stations constructed with the aid of such loans available for use at reasonable cost by the vehicle fleets of other political subdivisions and, with consideration of the capacity of such fueling stations, by the general public.]

[414.359. 1. There is hereby created in the state treasury the "Missouri Alternative Fuel Vehicle Loan Fund". The fund may receive moneys from appropriations by the general assembly, repayments by political subdivisions of loans made pursuant to sections 414.350 to 414.359 including interest on such loans, and gifts, bequests, donations or any other payments made by any public or private entity for use in carrying out the provisions of sections 414.350 to 414.359.

2. The state treasurer shall deposit all of the moneys in the fund into any of the qualified depositories of this state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest accrued by the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

3. The fund shall be used solely for the purposes of sections 414.350 to 414.359 and for no other purpose.**]**

EXPLANATION: THIS SECTION IS IDENTICAL TO SECTION 493.055 AND THEREFORE IS REDUNDANT:

[442.018. All public advertisements and orders of publication required by law to be made, including but not limited to amendments to the Missouri Constitution, legal publications affecting all sales of real estate under a power of sale contained in any mortgage or deed of trust, and other legal publications affecting the title to real estate, shall be published in a newspaper of general circulation, qualified under the provisions of section 493.050, and persons responsible for orders of publication described in sections 443.310 and 443.320 shall be subject to the prohibitions in sections 493.130 and 493.140.**]**

EXPLANATION: THE COUNCIL CREATED IN THIS SECTION DOES NOT EXIST:

[620.050. 1. There is hereby created, within the department of economic development, the "Entrepreneurial Development Council". The entrepreneurial development council shall consist of seven members from businesses located within the state and licensed attorneys with specialization in intellectual property matters. All members of the council shall be appointed by the governor with the advice and consent of the senate. The terms of membership shall be set by the department of economic development by rule as deemed necessary and reasonable. Once the department of economic development has set the terms of membership, such terms shall not be modified and shall apply to all subsequent members.

2. The entrepreneurial development council shall, as provided by department rule, impose a registration fee sufficient to cover costs of the program for entrepreneurs of this state who desire to avail themselves of benefits, provided by the council, to registered entrepreneurs.

3. There is hereby established in the state treasury, the "Entrepreneurial Development and Intellectual Property Right Protection Fund" to be held separate and apart from all other public moneys and funds of the state. The entrepreneurial development and intellectual property right protection fund may accept state and federal appropriations, grants, bequests, gifts, fees and awards to be held for use by the entrepreneurial development council. Notwithstanding

provisions of section 33.080 to the contrary, moneys remaining in the fund at the end of any biennium shall not revert to general revenue.

4. Upon notification of an alleged infringement of intellectual property rights of an entrepreneur, the entrepreneurial development council shall evaluate such allegations of infringement and may, based upon need, award grants or financial assistance to subsidize legal expenses incurred in instituting legal action necessary to remedy the alleged infringement. Pursuant to rules promulgated by the department, the entrepreneurial development council may allocate moneys from entrepreneurial development and intellectual property right protection fund, in the form of low-interest loans and grants, to registered entrepreneurs for the purpose of providing financial aid for product development, manufacturing, and advertising of new products.

5. 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, 2008, shall be invalid and void.**]**

EXPLANATION: THIS SECTION IS OBSOLETE; THERE HAVE BEEN NO APPROPRIATIONS FROM THE FUND CREATED UNDER THIS SECTION SINCE ITS AUTHORIZATION IN 2008:

[640.219. 1. There is hereby created in the state treasury the "Studies in Energy Conservation Fund", which shall consist of moneys appropriated by the general assembly or donated by any individual or entity. The fund shall be administered by the department of higher education in coordination with the department of natural resources. Upon appropriation, money in the fund shall be used solely for the purposes set forth in this section and for any administrative expenses involving the implementation of 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. Subject to an initial appropriation from the fund, there is hereby established at the discretion of the department of higher education in coordination with the department of natural resources a full professorship of energy efficiency and conservation.

3. At such time as the professorship of energy efficiency and conservation required by subsection 2 of this section has been established, the department of higher education in coordination with the department of natural

resources may appropriate any remaining moneys from the fund for the purpose of establishing substantially similar full professorships of energy efficiency and conservation at any public university within this state.

4. The duties of the full professor of energy efficiency and conservation and of any professors holding positions established under subsection 3 of this section shall primarily be to conduct studies and research regarding energy efficiency, but may also include studies and research regarding renewable energy. Such research may involve the evaluation of policy proposals and legislation relating to energy efficiency or renewable energy.]

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