

SECOND REGULAR SESSION

HOUSE BILL NO. 1608

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES McNARY (Sponsor), ROWLAND, BAHR, CONWAY (14), BROWN (85), KOENIG, MOLENDORP, RIDDLE, GATSCHENBERGER, LONG, DAVIS, BRATTIN, LANT, WIELAND, KELLY (24), BROWN (116), McCAHERTY, HAEFNER AND SCHOELLER (Co-sponsors).

4398L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 37.115, 37.125, 37.300, 37.310, 37.320, 37.330, 37.340, 37.360, 37.370, 37.390, 37.500, 42.014, 42.015, 99.800, 99.805, 99.810, 99.815, 99.820, 99.825, 99.830, 99.835, 99.840, 99.843, 99.845, 99.847, 99.848, 99.850, 99.855, 99.860, 99.863, 99.865, 160.375, 160.410, 160.542, 160.950, 161.182, 161.235, 161.800, 162.1010, 162.1168, 164.303, 167.229, 167.290, 167.292, 167.294, 167.296, 167.298, 167.300, 167.302, 167.304, 167.306, 167.308, 167.310, 167.320, 167.322, 167.324, 167.326, 167.328, 167.330, 167.332, 168.430, 168.550, 168.555, 168.560, 168.565, 168.570, 168.575, 168.580, 168.585, 168.590, 168.595, 168.600, 169.580, 170.254, 172.287, 172.800, 172.801, 172.803, 172.805, 172.807, 173.053, 173.055, 173.198, 173.199, 173.267, 173.500, 173.510, 173.515, 173.520, 173.525, 173.530, 173.535, 173.545, 173.550, 173.555, 173.560, 173.565, 173.724, 173.727, 173.775, 173.778, 173.781, 173.784, 173.787, 173.790, 173.793, 173.796, 178.930, 191.317, 191.390, 191.425, 191.725, 191.733, 191.741, 191.745, 191.909, 192.031, 192.033, 192.036, 192.640, 192.642, 192.644, 192.729, 193.295, 193.305, 198.087, 198.527, 207.150, 208.153, 208.178, 208.179, 208.192, 208.202, 208.309, 208.311, 208.313, 208.315, 208.335, 208.500, 208.503, 208.505, 208.507, 208.612, 208.615, 208.700, 208.705, 208.710, 208.715, 208.720, 211.393, 215.054, 217.378, 261.105, 261.110, 261.120, 262.460, 453.322, 453.325, 476.415, 491.640, 595.212, 620.1020, 620.1023, 620.1025, 620.1027, 620.1028, 620.1029, 620.1100, 620.1103, 630.575, 633.180, 633.185, 660.016, 660.019, 660.020, 660.021, 660.530, 660.532, 660.534, 660.535, 660.537, 660.539, 660.541, 660.543, 660.545, and 660.725, RSMo, and to enact in lieu thereof three new sections for the sole purpose of repealing unfunded and obsolete programs.

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 37.115, 37.125, 37.300, 37.310, 37.320, 37.330, 37.340, 37.360, 2 37.370, 37.390, 37.500, 42.014, 42.015, 99.800, 99.805, 99.810, 99.815, 99.820, 99.825, 99.830, 3 99.835, 99.840, 99.843, 99.845, 99.847, 99.848, 99.850, 99.855, 99.860, 99.863, 99.865, 4 160.375, 160.410, 160.542, 160.950, 161.182, 161.235, 161.800, 162.1010, 162.1168, 164.303, 5 167.229, 167.290, 167.292, 167.294, 167.296, 167.298, 167.300, 167.302, 167.304, 167.306, 6 167.308, 167.310, 167.320, 167.322, 167.324, 167.326, 167.328, 167.330, 167.332, 168.430, 7 168.550, 168.555, 168.560, 168.565, 168.570, 168.575, 168.580, 168.585, 168.590, 168.595, 8 168.600, 169.580, 170.254, 172.287, 172.800, 172.801, 172.803, 172.805, 172.807, 173.053, 9 173.055, 173.198, 173.199, 173.267, 173.500, 173.510, 173.515, 173.520, 173.525, 173.530, 10 173.535, 173.545, 173.550, 173.555, 173.560, 173.565, 173.724, 173.727, 173.775, 173.778, 11 173.781, 173.784, 173.787, 173.790, 173.793, 173.796, 178.930, 191.317, 191.390, 191.425, 12 191.725, 191.733, 191.741, 191.745, 191.909, 192.031, 192.033, 192.036, 192.640, 192.642, 13 192.644, 192.729, 193.295, 193.305, 198.087, 198.527, 207.150, 208.153, 208.178, 208.179, 14 208.192, 208.202, 208.309, 208.311, 208.313, 208.315, 208.335, 208.500, 208.503, 208.505, 15 208.507, 208.612, 208.615, 208.700, 208.705, 208.710, 208.715, 208.720, 211.393, 215.054, 16 217.378, 261.105, 261.110, 261.120, 262.460, 453.322, 453.325, 476.415, 491.640, 595.212, 17 620.1020, 620.1023, 620.1025, 620.1027, 620.1028, 620.1029, 620.1100, 620.1103, 630.575, 18 633.180, 633.185, 660.016, 660.019, 660.020, 660.021, 660.530, 660.532, 660.534, 660.535, 19 660.537, 660.539, 660.541, 660.543, 660.545, and 660.725, RSMo, are repealed and three new 20 sections enacted in lieu thereof, to be known as sections 160.410, 208.153, and 211.393, to read 21 as follows:

160.410. 1. A charter school shall enroll:

- 2 (1) All pupils resident in the district in which it operates;
- 3 (2) Nonresident pupils eligible to attend a district's school under an urban voluntary 4 transfer program; and
- 5 (3) In the case of a workplace charter school, any student eligible to attend under 6 subdivision (1) or (2) of this subsection whose parent is employed in the business district, who 7 submits a timely application, unless the number of applications exceeds the capacity of a 8 program, class, grade level or building. The configuration of a business district shall be set forth 9 in the charter and shall not be construed to create an undue advantage for a single employer or 10 small number of employers.

11 2. If capacity is insufficient to enroll all pupils who submit a timely application, the 12 charter school shall have an admissions process that assures all applicants of an equal chance of 13 gaining admission except that:

14 (1) A charter school may establish a geographical area around the school whose residents
15 will receive a preference for enrolling in the school, provided that such preferences do not result
16 in the establishment of racially or socioeconomically isolated schools and provided such
17 preferences conform to policies and guidelines established by the state board of education; and

18 (2) A charter school may also give a preference for admission of children whose siblings
19 attend the school or whose parents are employed at the school or in the case of a workplace
20 charter school, a child whose parent is employed in the business district or at the business site
21 of such school.

22 3. A charter school shall not limit admission based on race, ethnicity, national origin,
23 disability, gender, income level, proficiency in the English language or athletic ability, but may
24 limit admission to pupils within a given age group or grade level.

25 4. [The department of elementary and secondary education shall commission a study of
26 the performance of students at each charter school in comparison with an equivalent group of
27 district students representing an equivalent demographic and geographic population and a study
28 of the impact of charter schools upon the constituents they serve in the districts in which they are
29 located, to be conducted by the joint committee on education. The charter school study shall
30 include analysis of the administrative and instructional practices of each charter school and shall
31 include findings on innovative programs that illustrate best practices and lend themselves to
32 replication or incorporation in other schools. The joint committee on education shall coordinate
33 with individuals representing charter public schools and the districts in which charter schools are
34 located in conducting the study. The study of a charter school's student performance in relation
35 to a comparable group shall be designed to provide information that would allow parents and
36 educators to make valid comparisons of academic performance between the charter school's
37 students and an equivalent group of district students representing an equivalent demographic and
38 geographic population. The student performance assessment and comparison shall include, but
39 may not be limited to:

40 (1) Missouri assessment program test performance and aggregate growth over several
41 years;

42 (2) Student reenrollment rates;

43 (3) Educator, parent, and student satisfaction data;

44 (4) Graduation rates in secondary programs; and

45 (5) Performance of students enrolled in the same public school for three or more
46 consecutive years. The impact study shall be undertaken every two years to determine the impact
47 of charter schools on the constituents they serve in the districts where charter schools are
48 operated. The impact study shall include, but is not limited to, determining if changes have been
49 made in district policy or procedures attributable to the charter school and to perceived changes
50 in attitudes and expectations on the part of district personnel, school board members, parents,

51 students, the business community and other education stakeholders. The department of
52 elementary and secondary education shall make the results of the studies public and shall deliver
53 copies to the governing boards of the charter schools, the sponsors of the charter schools, the
54 school board and superintendent of the districts in which the charter schools are operated.

55 5.] A charter school shall make available for public inspection, and provide upon request,
56 to the parent, guardian, or other custodian of any school-age pupil resident in the district in which
57 the school is located the following information:

58 (1) The school's charter;

59 (2) The school's most recent annual report card published according to section 160.522;
60 and

61 (3) The results of background checks on the charter school's board members. The charter
62 school may charge reasonable fees, not to exceed the rate specified in section 610.026 for
63 furnishing copies of documents under this subsection.

208.153. 1. Pursuant to and not inconsistent with the provisions of sections 208.151 and
2 208.152, the MO HealthNet division shall by rule and regulation define the reasonable costs,
3 manner, extent, quantity, quality, charges and fees of MO HealthNet benefits herein provided.
4 The benefits available under these sections shall not replace those provided under other federal
5 or state law or under other contractual or legal entitlements of the persons receiving them, and
6 all persons shall be required to apply for and utilize all benefits available to them and to pursue
7 all causes of action to which they are entitled. Any person entitled to MO HealthNet benefits
8 may obtain it from any provider of services with which an agreement is in effect under this
9 section and which undertakes to provide the services, as authorized by the MO HealthNet
10 division. At the discretion of the director of the MO HealthNet division and with the approval
11 of the governor, the MO HealthNet division is authorized to provide medical benefits for
12 participants receiving public assistance by expending funds for the payment of federal medical
13 insurance premiums, coinsurance and deductibles pursuant to the provisions of Title XVIII B and
14 XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et
15 seq.), as amended.

16 2. [Subject to appropriations and pursuant to and not inconsistent with the provisions of
17 this section and sections 208.151 and 208.152, the MO HealthNet division shall by rule and
18 regulation develop pay-for-performance payment program guidelines. The pay-for-performance
19 payment program guidelines shall be developed and maintained by the professional services
20 payment committee, as established in section 208.197. Providers operating under a risk-bearing
21 care coordination plan and an administrative services organization plan shall be required to
22 participate in a pay-for-performance payment program, and providers operating under the state
23 coordinated fee-for-service plan shall participate in the pay-for-performance payment program.
24 Any employer of a physician whose work generates all or part of a payment under this subsection

25 shall pass the pertinent portion, as defined by departmental regulation, of the
26 pay-for-performance payment on to the physician, without any corresponding decrease in the
27 compensation to which that provider would otherwise be entitled.

28 3.] MO HealthNet shall include benefit payments on behalf of qualified Medicare
29 beneficiaries as defined in 42 U.S.C. section 1396d(p). The family support division shall by rule
30 and regulation establish which qualified Medicare beneficiaries are eligible. The MO HealthNet
31 division shall define the premiums, deductible and coinsurance provided for in 42 U.S.C. section
32 1396d(p) to be provided on behalf of the qualified Medicare beneficiaries.

33 [4.] 3. MO HealthNet shall include benefit payments for Medicare Part A cost sharing
34 as defined in clause (p)(3)(A)(i) of 42 U.S.C. 1396d on behalf of qualified disabled and working
35 individuals as defined in subsection (s) of section 42 U.S.C. 1396d as required by subsection (d)
36 of section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The MO
37 HealthNet division may impose a premium for such benefit payments as authorized by paragraph
38 (d)(3) of section 6408 of P.L. 101-239.

39 [5.] 4. MO HealthNet shall include benefit payments for Medicare Part B cost sharing
40 described in 42 U.S.C. Section 1396(d)(p)(3)(A)(ii) for individuals described in subsection 2 of
41 this section, but for the fact that their income exceeds the income level established by the state
42 under 42 U.S.C. Section 1396(d)(p)(2) but is less than one hundred and ten percent beginning
43 January 1, 1993, and less than one hundred and twenty percent beginning January 1, 1995, of the
44 official poverty line for a family of the size involved.

45 [6.] 5. For an individual eligible for MO HealthNet under Title XIX of the Social
46 Security Act, MO HealthNet shall include payment of enrollee premiums in a group health plan
47 and all deductibles, coinsurance and other cost-sharing for items and services otherwise covered
48 under the state Title XIX plan under Section 1906 of the federal Social Security Act and
49 regulations established under the authority of Section 1906, as may be amended. Enrollment in
50 a group health plan must be cost effective, as established by the Secretary of Health and Human
51 Services, before enrollment in the group health plan is required. If all members of a family are
52 not eligible for MO HealthNet and enrollment of the Title XIX eligible members in a group
53 health plan is not possible unless all family members are enrolled, all premiums for noneligible
54 members shall be treated as payment for MO HealthNet of eligible family members. Payment
55 for noneligible family members must be cost effective, taking into account payment of all such
56 premiums. Non-Title XIX eligible family members shall pay all deductible, coinsurance and
57 other cost-sharing obligations. Each individual as a condition of eligibility for MO HealthNet
58 benefits shall apply for enrollment in the group health plan.

59 [7.] 6. Any Social Security cost-of-living increase at the beginning of any year shall be
60 disregarded until the federal poverty level for such year is implemented.

61 [8.] 7. If a MO HealthNet participant has paid the requested spenddown in cash for any
62 month and subsequently pays an out-of-pocket valid medical expense for such month, such
63 expense shall be allowed as a deduction to future required spenddown for up to three months
64 from the date of such expense.

211.393. 1. For purposes of this section, the following words and phrases mean:

2 (1) "County retirement plan", any public employees' defined benefit retirement plan
3 established by law that provides retirement benefits to county or city employees, but not to
4 include the county employees' retirement system as provided in sections 50.1000 to 50.1200;

5 (2) "Juvenile court employee", any person who is employed by a juvenile court in a
6 position normally requiring one thousand hours or more of service per year;

7 (3) "Juvenile officer", any juvenile officer appointed pursuant to section 211.351;

8 (4) "Multicounty circuit", all other judicial circuits not included in the definition of a
9 single county circuit;

10 (5) "Single county circuit", a judicial circuit composed of a single county of the first
11 classification, including the circuit for the city of St. Louis;

12 (6) "State retirement plan", the public employees' retirement plan administered by the
13 Missouri state employees' retirement system pursuant to chapter 104.

14 2. Juvenile court employees employed in a single county circuit shall be subject to the
15 following provisions:

16 (1) The juvenile officer employed in such circuits on and prior to July 1, 1999, shall:

17 (a) Be state employees on that portion of their salary received from the state pursuant to
18 section 211.381, and in addition be county employees on that portion of their salary provided by
19 the county at a rate determined pursuant to section 50.640;

20 (b) Receive state-provided benefits, including retirement benefits from the state
21 retirement plan, on that portion of their salary paid by the state and may participate as members
22 in a county retirement plan on that portion of their salary provided by the county except any
23 juvenile officer whose service as a juvenile court officer is being credited based on all salary
24 received from any source in a county retirement plan on June 30, 1999, shall not be eligible to
25 receive state-provided benefits, including retirement benefits, or any creditable prior service as
26 described in this section but shall continue to participate in such county retirement plan;

27 (c) Receive creditable prior service in the state retirement plan for service rendered as
28 a juvenile court employee prior to July 1, 1999, to the extent they have not already received
29 credit for such service in a county retirement plan on salary paid to them for such service, if such
30 service was rendered in a single county circuit or a multicounty circuit; except that if the juvenile
31 officer forfeited such credit in such county retirement plan prior to being eligible to receive
32 creditable prior service under this paragraph, they may receive service under this paragraph;

33 (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even
34 though they already have received credit for such creditable service in a county retirement plan
35 if they elect to forfeit their creditable service from such plan in which case such plan shall
36 transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
37 forfeited creditable service, determined as if the person were going to continue to be an active
38 member of the county retirement plan, less the amount of any refunds of member contributions;

39 (e) Receive creditable prior service for service rendered as a juvenile court employee in
40 a multicounty circuit in a position that was financed in whole or in part by a public or private
41 grant, pursuant to the provisions of paragraph (e) of subdivision (1) of subsection 3 of this
42 section;

43 (2) Juvenile officers who begin employment for the first time as a juvenile officer in a
44 single county circuit on or after July 1, 1999, shall:

45 (a) Be county employees and receive salary from the county at a rate determined
46 pursuant to section 50.640 subject to reimbursement by the state as provided in section 211.381;
47 and

48 (b) Participate as members in the applicable county retirement plan subject to
49 reimbursement by the state for the retirement contribution due on that portion of salary
50 reimbursed by the state;

51 (3) All other juvenile court employees who are employed in a single county circuit on
52 or after July 1, 1999:

53 (a) Shall be county employees and receive a salary from the county at a rate determined
54 pursuant to section 50.640; and

55 (b) Shall, in accordance with their status as county employees, receive other
56 county-provided benefits including retirement benefits from the applicable county retirement
57 plan if such employees otherwise meet the eligibility requirements for such benefits;

58 (4) [(a)] The state shall reimburse each county comprised of a single county circuit for
59 an amount equal to the greater of:

60 [a.] (a) Twenty-five percent of such circuit's total juvenile court personnel budget,
61 excluding the salary for a juvenile officer, for calendar year 1997, and excluding all costs of
62 retirement, health and other fringe benefits; or

63 [b.] (b) The sum of the salaries of one chief deputy juvenile officer and one deputy
64 juvenile officer class I, as provided in section 211.381;

65 [(b)] (b) The state may reimburse a single county circuit up to fifty percent of such circuit's
66 total calendar year 1997 juvenile court personnel budget, subject to appropriations. The state
67 may reimburse, subject to appropriations, the following percentages of such circuits' total
68 juvenile court personnel budget, expended for calendar year 1997, excluding the salary for a
69 juvenile officer, and excluding all costs of retirement, health and other fringe benefits: thirty

70 percent beginning July 1, 2000, until June 30, 2001; forty percent beginning July 1, 2001, until
71 June 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive any
72 reimbursement from the state in an amount less than the greater of:

73 a. Twenty-five percent of the total juvenile court personnel budget of the single county
74 circuit expended for calendar year 1997, excluding fringe benefits; or

75 b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile
76 officer class I, as provided in section 211.381;]

77 (5) Each single county circuit shall file a copy of its initial 1997 and each succeeding
78 year's budget with the office of the state courts administrator after January first each year and
79 prior to reimbursement. The office of the state courts administrator shall make payment for the
80 reimbursement from appropriations made for that purpose on or before July fifteenth of each year
81 following the calendar year in which the expenses were made. The office of the state courts
82 administrator shall submit the information from the budgets relating to full-time juvenile court
83 personnel from each county to the general assembly;

84 (6) Any single county circuit may apply to the office of the state courts administrator to
85 become subject to subsection 3 of this section, and such application shall be approved subject
86 to appropriation of funds for that purpose;

87 (7) The state auditor may audit any single county circuit to verify compliance with the
88 requirements of this section, including an audit of the 1997 budget.

89 3. Juvenile court employees in multicounty circuits shall be subject to the following
90 provisions:

91 (1) Juvenile court employees including detention personnel hired in 1998 in those
92 multicounty circuits who began actual construction on detention facilities in 1996, employed in
93 a multicounty circuit on or after July 1, 1999, shall:

94 (a) Not be state employees unless they receive all salary from the state, which shall
95 include any salary as provided in section 211.381 in addition to any salary provided by the
96 applicable county or counties during calendar year 1997 and any general salary increase approved
97 by the state of Missouri for fiscal year 1999 and fiscal year 2000;

98 (b) Participate in the state retirement plan;

99 (c) Receive creditable prior service in the state retirement plan for service rendered as
100 a juvenile court employee prior to July 1, 1999, to the extent they have not already received
101 credit for such service in a county retirement plan on salary paid to them for such service if such
102 service was rendered in a single county circuit or a multicounty circuit, except that if they
103 forfeited such credit in such county retirement plan prior to being eligible to receive creditable
104 prior service under this paragraph, they may receive creditable service under this paragraph;

105 (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even
106 though they already have received credit for such creditable service in a county retirement plan

107 if they elect within six months from the date they become participants in the state retirement plan
108 pursuant to this section to forfeit their service from such plan in which case such plan shall
109 transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
110 forfeited creditable service, determined as if the person was going to continue to be an active
111 member of the county retirement plan, less the amount of any refunds of member contributions;

112 (e) Receive creditable prior service for service rendered as a juvenile court employee in
113 a multicounty circuit in a position that was financed in whole or in part by a public or private
114 grant to the extent they have not already received credit for such service in a county retirement
115 plan on salary paid to them for such service except that if they:

116 a. Forfeited such credit in such county retirement plan prior to being eligible to receive
117 creditable service under this paragraph, they may receive creditable service under paragraph (e)
118 of this subdivision;

119 b. Received credit for such creditable service in a county retirement plan, they may not
120 receive creditable prior service pursuant to paragraph (e) of this subdivision unless they elect to
121 forfeit their service from such plan, in which case such plan shall transfer to the state retirement
122 plan an amount equal to the actuarial liability for the forfeited creditable service, determined as
123 if the person was going to continue to be an active member of the county retirement plan, less
124 the amount of any refunds of member contributions;

125 c. Terminated employment prior to August 28, 2007, and apply to the board of trustees
126 of the state retirement plan to be made and employed as a special consultant and be available to
127 give opinions regarding retirement they may receive creditable service under paragraph (e) of this
128 subdivision;

129 d. Retired prior to August 28, 2007, and apply to the board of trustees of the state
130 retirement plan to be made and employed as a special consultant and be available to give
131 opinions regarding retirement, they shall have their retirement benefits adjusted so they receive
132 retirement benefits equal to the amount they would have received had their retirement benefit
133 been initially calculated to include such creditable prior service; or

134 e. Purchased creditable prior service pursuant to section 104.344 or section 105.691
135 based on service as a juvenile court employee in a position that was financed in whole or in part
136 by a public or private grant, they shall receive a refund based on the amount paid for such
137 purchased service;

138 (2) Juvenile court employee positions added after December 31, 1997, shall be
139 terminated and not subject to the provisions of subdivision (1) of this subsection, unless the
140 office of the state courts administrator requests and receives an appropriation specifically for
141 such positions;

142 (3) The salary of any juvenile court employee who becomes a state employee, effective
143 July 1, 1999, shall be limited to the salary provided by the state of Missouri, which shall be set

144 in accordance with guidelines established by the state pursuant to a salary survey conducted by
145 the office of the state courts administrator, but such salary shall in no event be less than the
146 amount specified in paragraph (a) of subdivision (1) of this subsection. Notwithstanding any
147 provision to the contrary in subsection 1 of section 211.394, such employees shall not be entitled
148 to additional compensation paid by a county as a public officer or employee. Such employees
149 shall be considered employees of the judicial branch of state government for all purposes;

150 (4) All other employees of a multicounty circuit who are not juvenile court employees
151 as defined in subsection 1 of this section shall be county employees subject to the county's own
152 terms and conditions of employment.

153 4. The receipt of creditable prior service as described in paragraph (c) of subdivision (1)
154 of subsection 2 of this section and paragraph (c) of subdivision (1) of subsection 3 of this section
155 is contingent upon the office of the state courts administrator providing the state retirement plan
156 information, in a form subject to verification and acceptable to the state retirement plan,
157 indicating the dates of service and amount of monthly salary paid to each juvenile court
158 employee for such creditable prior service.

159 5. No juvenile court employee employed by any single or multicounty circuit shall be
160 eligible to participate in the county employees' retirement system fund pursuant to sections
161 50.1000 to 50.1200.

162 6. Each county in every circuit in which a juvenile court employee becomes a state
163 employee shall maintain each year in the local juvenile court budget an amount, defined as
164 "maintenance of effort funding", not less than the total amount budgeted for all employees of the
165 juvenile court including any juvenile officer, deputy juvenile officer, or other juvenile court
166 employees in calendar year 1997, minus the state reimbursements as described in this section
167 received for the calendar year 1997 personnel costs for the salaries of all such juvenile court
168 employees who become state employees. The juvenile court shall provide a proposed budget to
169 the county commission each year. The budget shall contain a separate section specifying all
170 funds to be expended in the juvenile court. Such funding may be used for contractual costs for
171 detention services, guardians ad litem, transportation costs for those circuits without detention
172 facilities to transport children to and from detention and hearings, short-term residential services,
173 indebtedness for juvenile facilities, expanding existing detention facilities or services,
174 continuation of services funded by public grants or subsidy, and enhancing the court's ability to
175 provide prevention, probation, counseling and treatment services. The county commission may
176 review such budget and may appeal the proposed budget to the judicial finance commission
177 pursuant to section 50.640.

178 7. Any person who is employed on or after July 1, 1999, in a position covered by the
179 state retirement plan or the transportation department and highway patrol retirement system and
180 who has rendered service as a juvenile court employee in a judicial circuit that was not a single

181 county of the first classification shall be eligible to receive creditable prior service in such plan
182 or system as provided in subsections 2 and 3 of this section. For purposes of this subsection, the
183 provisions of paragraphs (c) and (d) of subdivision (1) of subsection 2 of this section and
184 paragraphs (c) and (d) of subdivision (1) of subsection 3 of this section that apply to the state
185 retirement plan shall also apply to the transportation department and highway patrol retirement
186 system.

187 8. (1) Any juvenile officer who is employed as a state employee in a multicounty circuit
188 on or after July 1, 1999, shall not be eligible to participate in the state retirement plan as provided
189 by this section unless such juvenile officer elects to:

190 (a) Receive retirement benefits from the state retirement plan based on all years of
191 service as a juvenile officer and a final average salary which shall include salary paid by the
192 county and the state; and

193 (b) Forfeit any county retirement benefits from any county retirement plan based on
194 service rendered as a juvenile officer.

195 (2) Upon making the election described in this subsection, the county retirement plan
196 shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
197 forfeited creditable service determined as if the person was going to continue to be an active
198 member of the county retirement plan, less the amount of any refunds of member contributions.

199 9. The elections described in this section shall be made on forms developed and made
200 available by the state retirement plan.

2 [37.115. The commissioner of administration shall establish a duplicating
3 equipment unit to inventory and coordinate the use of state-owned duplicating
4 equipment, regardless of kind or type, and all supporting equipment for same.
5 This unit, in cooperation with the state director of the division of purchasing,
6 shall schedule and coordinate work for the various agencies so that all equipment
7 can be used to its fullest extent.]

2 [37.125. The commissioner of administration shall establish a records
3 management center within the office which shall maintain equipment capable of
4 handling large volumes of data stored on magnetic film or other mechanical
5 record keeping equipment. Access to files or records kept by this unit shall be
6 governed by a central processing unit capable of handling simultaneous inquiries
7 within nanoseconds.]

2 [37.300. As used in sections 37.300 to 37.390, the following words and
3 terms have the meanings indicated, unless the context clearly requires otherwise:

4 (1) "Agency", each state department, office, board, bureau, commission,
5 or other unit of the executive branch of state government except for the
6 department of conservation, the department of transportation, the department of
labor and industrial relations, and the University of Missouri;

7 (2) "Form", every piece of paper, transparent plate, or film containing
 8 information, printed, generated, or reproduced by whatever means, with blank
 9 spaces left for the entry of additional information to be used in any transaction
 10 involving agencies of the state;

11 (3) "Forms management", the program maintained by the forms
 12 management unit to provide continuity of forms design procedures from the
 13 form's origin up to its completion as a record by determining the form's size, style
 14 and size of type; format; type of construction; number of plies; quality, weight
 15 and type of paper and carbon; and by determining the use of the form for data
 16 entry as well as the distribution;

17 (4) "Records coordinator", a person designated by an agency to serve as
 18 an information liaison person between the agency and the unit; and

19 (5) "Unit", the forms management unit created herein.]
 20

[37.310. A "Forms Management Unit" is hereby established within the
 2 office of administration. The unit shall develop a forms management program
 3 for state agencies, and shall implement the provisions of sections 37.300 to
 4 37.390, 109.250 and 181.100 to 181.110. Each agency shall fully cooperate with
 5 the unit, and shall furnish all requested information and assistance.]
 6

[37.320. 1. The commissioner of administration shall appoint a director
 2 as the executive head of the unit. The director must be experienced in the
 3 principles of information and forms management, archives, and the affairs and
 4 organization of state government. He or she shall be a person who is qualified
 5 by training and experience to administer the affairs of the unit.

6 2. The director shall appoint such staff as may be necessary to implement
 7 the provisions of sections 37.300 to 37.390, 109.250 and 181.100 to 181.110. All
 8 staff members shall be appointed pursuant to the provisions of chapter 36.]
 9

[37.330. The forms management unit shall:

2 (1) Establish a forms management program for state government
 3 including the design, typography, format, logo, data sequence, form analysis,
 4 form number, and agency file specifications;

5 (2) Establish a central state form numbering system and a central
 6 cross-index filing system of all state forms, and shall standardize, consolidate and
 7 eliminate, wherever possible, forms used by state government;

8 (3) Approve and provide camera-ready copy or original artwork for all
 9 forms to be printed;

10 (4) Require that all new or revised forms be purchased or printed only
 11 after approval of the unit;

12 (5) Cooperate with the state records commission in developing and
 13 implementing record retention schedules; and

14 (6) Have authority to examine and catalog all forms used or requested by
 15 agencies.]

16

[37.340. The unit shall be responsible for the design, redesign, numbering, and standardization of all forms used by state agencies. The unit may consolidate forms so as to be usable for more than one purpose, shall eliminate outdated, obsolete and unneeded forms, and shall give assistance to agencies in designing forms so as to provide for more useful information. No agency shall print or have printed any new or revised form until such form has been approved by the unit. The unit shall attempt to standardize letterheads, business cards, envelopes and other similar materials so that economies of scale may be readily obtained. In designing forms for agencies, the unit shall confer with appropriate representatives of the agency to determine that only such information as is necessary or relevant to the agency's functions is being collected on forms of the agency.]

13

[37.360. The unit shall offer its services to agencies within the legislative and judicial branches of government, and to those agencies of the executive branch which are otherwise excepted from the provisions of sections 37.300 to 37.390, 109.250 and 181.100 to 181.110.]

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[37.370. Each agency shall designate at least one employee as a records coordinator. The records coordinator shall, on behalf of the agency, be responsible for seeing that every form used by the agency is presented to the unit for cataloging and identification and shall be responsible for ensuring that record retention programs established by the state records commission are being followed and observed.]

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[37.390. Any purchase made which is contrary to the provisions of sections 37.300 to 37.390 shall not result in any liability to the state, but the person authorizing such purchase shall be personally liable for any debt so incurred.]

5

[37.500. The office of administration shall establish a central registry in which accredited not-for-profit human service providers may submit confirmation of accreditation by a nationally recognized accrediting body and related information. The office of administration shall issue a vendor number to be recognized for state purchasing.]

6

[42.014. 1. The Missouri general assembly shall, through appropriations as provided by law, encourage the development of any veterans' programs approved by the executive director of the veterans' commission whereby the historical significance of veteran service can be dedicated to education inside public schools, veteran cemeteries, veteran homes, and other institutions as determined by rule and regulation.

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7 2. The lieutenant governor shall administer the provisions of this section
8 and may adopt all rules and regulations necessary to administer the provisions of
9 this section. Any rule or portion of a rule, as that term is defined in section
10 536.010, that is created under the authority delegated in this section shall become
11 effective only if it complies with and is subject to all of the provisions of chapter
12 536 and, if applicable, section 536.028. This section and chapter 536 are
13 nonseverable and if any of the powers vested with the general assembly pursuant
14 to chapter 536 to review, to delay the effective date, or to disapprove and annul
15 a rule are subsequently held unconstitutional, then the grant of rulemaking
16 authority and any rule proposed or adopted after August 28, 2004, shall be invalid
17 and void.

18 3. Pursuant to section 23.253 of the Missouri sunset act:

19 (1) The provisions of the new program authorized under this section shall
20 automatically sunset six years after August 28, 2004, unless reauthorized by an
21 act of the general assembly; and

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

25 (3) This section shall terminate on September first of the calendar year
26 immediately following the calendar year in which the program authorized under
27 this section is sunset.]
28

2 [42.015. 1. In order to contribute to the preservation of freedom, there
3 is established in the state treasury a special trust fund, to be known as the
4 "Veterans' Historical Education Trust Fund". The fund shall be administered by
5 the lieutenant governor for the sole purpose of financing veterans' education
6 programs established in section 42.014.

7 2. The director of revenue shall deposit in the treasury to the credit of the
8 veterans' historical education trust fund all amounts received by or designated to
9 the fund established pursuant to this section and any other amounts which may
10 be received from grants, gifts, bequests, appropriations, the federal government,
11 or other sources granted or given for this specific purpose. The state treasurer
12 shall invest moneys in the veterans' historical education trust fund in the same
13 manner as surplus state funds are invested pursuant to section 30.260. All
14 earnings resulting from the investment of moneys in the veterans' historical
15 education trust fund shall be credited to the veterans' historical education trust
16 fund.

17 3. As established by this section, funds appropriated by the general
18 assembly from the veterans' historical education trust fund shall only be used by
19 the lieutenant governor for purposes authorized pursuant to section 42.014 and
20 shall not be used to supplant any existing program or service.

21 4. The provisions of section 33.080 requiring all unexpended balances
22 remaining in various state funds to be transferred and placed to the credit of the

22 general revenue fund of this state at the end of each biennium shall not apply to
 23 the veterans' historical education trust fund.]
 24

2 [99.800. Sections 99.800 to 99.865 shall be known and may be cited as
 3 the "Real Property Tax Increment Allocation Redevelopment Act".]

2 [99.805. As used in sections 99.800 to 99.865, unless the context clearly
 3 requires otherwise, the following terms shall mean:

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

11 (2) "Collecting officer", the officer of the municipality responsible for
 12 receiving and processing payments in lieu of taxes or economic activity taxes
 13 from taxpayers or the department of revenue;

14 (3) "Conservation area", any improved area within the boundaries of a
 15 redevelopment area located within the territorial limits of a municipality in which
 16 fifty percent or more of the structures in the area have an age of thirty-five years
 17 or more. Such an area is not yet a blighted area but is detrimental to the public
 18 health, safety, morals, or welfare and may become a blighted area because of any
 19 one or more of the following factors: dilapidation; obsolescence; deterioration;
 20 illegal use of individual structures; presence of structures below minimum code
 21 standards; abandonment; excessive vacancies; overcrowding of structures and
 22 community facilities; lack of ventilation, light or sanitary facilities; inadequate
 23 utilities; excessive land coverage; deleterious land use or layout; depreciation of
 24 physical maintenance; and lack of community planning. A conservation area
 25 shall meet at least three of the factors provided in this subdivision for projects
 26 approved on or after December 23, 1997;

27 (4) "Economic activity taxes", the total additional revenue from taxes
 28 which are imposed by a municipality and other taxing districts, and which are
 29 generated by economic activities within a redevelopment area over the amount
 30 of such taxes generated by economic activities within such redevelopment area
 31 in the calendar year prior to the adoption of the ordinance designating such a
 32 redevelopment area, while tax increment financing remains in effect, but
 33 excluding personal property taxes, taxes imposed on sales or charges for sleeping
 34 rooms paid by transient guests of hotels and motels, licenses, fees or special
 35 assessments. For redevelopment projects or redevelopment plans approved after
 36 December 23, 1997, if a retail establishment relocates within one year from one
 37 facility to another facility within the same county and the governing body of the
 38 municipality finds that the relocation is a direct beneficiary of tax increment
 financing, then for purposes of this definition, the economic activity taxes

39 generated by the retail establishment shall equal the total additional revenues
40 from economic activity taxes which are imposed by a municipality or other taxing
41 district over the amount of economic activity taxes generated by the retail
42 establishment in the calendar year prior to its relocation to the redevelopment
43 area;

44 (5) "Economic development area", any area or portion of an area located
45 within the territorial limits of a municipality, which does not meet the
46 requirements of subdivisions (1) and (3) of this section, and in which the
47 governing body of the municipality finds that redevelopment will not be solely
48 used for development of commercial businesses which unfairly compete in the
49 local economy and is in the public interest because it will:

50 (a) Discourage commerce, industry or manufacturing from moving their
51 operations to another state; or

52 (b) Result in increased employment in the municipality; or

53 (c) Result in preservation or enhancement of the tax base of the
54 municipality;

55 (6) "Gambling establishment", an excursion gambling boat as defined in
56 section 313.800 and any related business facility including any real property
57 improvements which are directly and solely related to such business facility,
58 whose sole purpose is to provide goods or services to an excursion gambling boat
59 and whose majority ownership interest is held by a person licensed to conduct
60 gambling games on an excursion gambling boat or licensed to operate an
61 excursion gambling boat as provided in sections 313.800 to 313.850. This
62 subdivision shall be applicable only to a redevelopment area designated by
63 ordinance adopted after December 23, 1997;

64 (7) "Greenfield area", any vacant, unimproved, or agricultural property
65 that is located wholly outside the incorporated limits of a city, town, or village,
66 or that is substantially surrounded by contiguous properties with agricultural
67 zoning classifications or uses unless said property was annexed into the
68 incorporated limits of a city, town, or village ten years prior to the adoption of the
69 ordinance approving the redevelopment plan for such greenfield area;

70 (8) "Municipality", a city, village, or incorporated town or any county of
71 this state. For redevelopment areas or projects approved on or after December
72 23, 1997, "municipality" applies only to cities, villages, incorporated towns or
73 counties established for at least one year prior to such date;

74 (9) "Obligations", bonds, loans, debentures, notes, special certificates, or
75 other evidences of indebtedness issued by a municipality to carry out a
76 redevelopment project or to refund outstanding obligations;

77 (10) "Ordinance", an ordinance enacted by the governing body of a city,
78 town, or village or a county or an order of the governing body of a county whose
79 governing body is not authorized to enact ordinances;

80 (11) "Payment in lieu of taxes", those estimated revenues from real
81 property in the area selected for a redevelopment project, which revenues
82 according to the redevelopment project or plan are to be used for a private use,

83 which taxing districts would have received had a municipality not adopted tax
84 increment allocation financing, and which would result from levies made after
85 the time of the adoption of tax increment allocation financing during the time the
86 current equalized value of real property in the area selected for the redevelopment
87 project exceeds the total initial equalized value of real property in such area until
88 the designation is terminated pursuant to subsection 2 of section 99.850;

89 (12) "Redevelopment area", an area designated by a municipality, in
90 respect to which the municipality has made a finding that there exist conditions
91 which cause the area to be classified as a blighted area, a conservation area, an
92 economic development area, an enterprise zone pursuant to sections 135.200 to
93 135.256, or a combination thereof, which area includes only those parcels of real
94 property directly and substantially benefitted by the proposed redevelopment
95 project;

96 (13) "Redevelopment plan", the comprehensive program of a
97 municipality for redevelopment intended by the payment of redevelopment costs
98 to reduce or eliminate those conditions, the existence of which qualified the
99 redevelopment area as a blighted area, conservation area, economic development
100 area, or combination thereof, and to thereby enhance the tax bases of the taxing
101 districts which extend into the redevelopment area. Each redevelopment plan
102 shall conform to the requirements of section 99.810;

103 (14) "Redevelopment project", any development project within a
104 redevelopment area in furtherance of the objectives of the redevelopment plan;
105 any such redevelopment project shall include a legal description of the area
106 selected for the redevelopment project;

107 (15) "Redevelopment project costs" include the sum total of all
108 reasonable or necessary costs incurred or estimated to be incurred, and any such
109 costs incidental to a redevelopment plan or redevelopment project, as applicable.
110 Such costs include, but are not limited to, the following:

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

112 (b) Professional service costs, including, but not limited to, architectural,
113 engineering, legal, marketing, financial, planning or special services. Except the
114 reasonable costs incurred by the commission established in section 99.820 for the
115 administration of sections 99.800 to 99.865, such costs shall be allowed only as
116 an initial expense which, to be recoverable, shall be included in the costs of a
117 redevelopment plan or project;

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

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

123 (e) Initial costs for an economic development area;

124 (f) Costs of construction of public works or improvements;

125 (g) Financing costs, including, but not limited to, all necessary and
126 incidental expenses related to the issuance of obligations, and which may include

127 payment of interest on any obligations issued pursuant to sections 99.800 to
 128 99.865 accruing during the estimated period of construction of any
 129 redevelopment project for which such obligations are issued and for not more
 130 than eighteen months thereafter, and including reasonable reserves related
 131 thereto;

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

136 (i) Relocation costs to the extent that a municipality determines that
 137 relocation costs shall be paid or are required to be paid by federal or state law;

138 (j) Payments in lieu of taxes;

139 (16) "Special allocation fund", the fund of a municipality or its
 140 commission which contains at least two separate segregated accounts for each
 141 redevelopment plan, maintained by the treasurer of the municipality or the
 142 treasurer of the commission into which payments in lieu of taxes are deposited
 143 in one account, and economic activity taxes and other revenues are deposited in
 144 the other account;

145 (17) "Taxing districts", any political subdivision of this state having the
 146 power to levy taxes;

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

150 (19) "Vacant land", any parcel or combination of parcels of real property
 151 not used for industrial, commercial, or residential buildings.]

152

2 [99.810. 1. Each redevelopment plan shall set forth in writing a general
 3 description of the program to be undertaken to accomplish the objectives and
 4 shall include, but need not be limited to, the estimated redevelopment project
 5 costs, the anticipated sources of funds to pay the costs, evidence of the
 6 commitments to finance the project costs, the anticipated type and term of the
 7 sources of funds to pay costs, the anticipated type and terms of the obligations to
 8 be issued, the most recent equalized assessed valuation of the property within the
 9 redevelopment area which is to be subjected to payments in lieu of taxes and
 10 economic activity taxes pursuant to section 99.845, an estimate as to the
 11 equalized assessed valuation after redevelopment, and the general land uses to
 12 apply in the redevelopment area. No redevelopment plan shall be adopted by a
 13 municipality without findings that:

14 (1) The redevelopment area on the whole is a blighted area, a
 15 conservation area, or an economic development area, and has not been subject to
 16 growth and development through investment by private enterprise and would not
 17 reasonably be anticipated to be developed without the adoption of tax increment
 18 financing. Such a finding shall include, but not be limited to, a detailed
 description of the factors that qualify the redevelopment area or project pursuant

19 to this subdivision and an affidavit, signed by the developer or developers and
 20 submitted with the redevelopment plan, attesting that the provisions of this
 21 subdivision have been met;

22 (2) The redevelopment plan conforms to the comprehensive plan for the
 23 development of the municipality as a whole;

24 (3) The estimated dates, which shall not be more than twenty-three years
 25 from the adoption of the ordinance approving a redevelopment project within a
 26 redevelopment area, of completion of any redevelopment project and retirement
 27 of obligations incurred to finance redevelopment project costs have been stated,
 28 provided that no ordinance approving a redevelopment project shall be adopted
 29 later than ten years from the adoption of the ordinance approving the
 30 redevelopment plan under which such project is authorized and provided that no
 31 property for a redevelopment project shall be acquired by eminent domain later
 32 than five years from the adoption of the ordinance approving such redevelopment
 33 project;

34 (4) A plan has been developed for relocation assistance for businesses
 35 and residences;

36 (5) A cost-benefit analysis showing the economic impact of the plan on
 37 each taxing district which is at least partially within the boundaries of the
 38 redevelopment area. The analysis shall show the impact on the economy if the
 39 project is not built, and is built pursuant to the redevelopment plan under
 40 consideration. The cost-benefit analysis shall include a fiscal impact study on
 41 every affected political subdivision, and sufficient information from the
 42 developer for the commission established in section 99.820 to evaluate whether
 43 the project as proposed is financially feasible;

44 (6) A finding that the plan does not include the initial development or
 45 redevelopment of any gambling establishment, provided however, that this
 46 subdivision shall be applicable only to a redevelopment plan adopted for a
 47 redevelopment area designated by ordinance after December 23, 1997.

48 2. By the last day of February each year, each commission shall report to
 49 the director of economic development the name, address, phone number and
 50 primary line of business of any business which relocates to the district. The
 51 director of the department of economic development shall compile and report the
 52 same to the governor, the speaker of the house and the president pro tempore of
 53 the senate on the last day of April each year.]

54 [99.815. When a county of this state desires to implement a tax increment
 2 financing project within the boundaries of a municipality partially or totally
 3 within the county, such county shall first obtain the permission of the governing
 4 body of the municipality located within the county. When the term
 5 "municipality" is used within sections 99.800 to 99.865, such term may be
 6 interpreted to include a county implementing a tax incremental financing project.]
 7

[99.820. 1. A municipality may:

- 2 (1) By ordinance introduced in the governing body of the municipality
3 within fourteen to ninety days from the completion of the hearing required in
4 section 99.825, approve redevelopment plans and redevelopment projects, and
5 designate redevelopment project areas pursuant to the notice and hearing
6 requirements of sections 99.800 to 99.865. No redevelopment project shall be
7 approved unless a redevelopment plan has been approved and a redevelopment
8 area has been designated prior to or concurrently with the approval of such
9 redevelopment project and the area selected for the redevelopment project shall
10 include only those parcels of real property and improvements thereon directly and
11 substantially benefitted by the proposed redevelopment project improvements;
- 12 (2) Make and enter into all contracts necessary or incidental to the
13 implementation and furtherance of its redevelopment plan or project;
- 14 (3) Pursuant to a redevelopment plan, subject to any constitutional
15 limitations, acquire by purchase, donation, lease or, as part of a redevelopment
16 project, eminent domain, own, convey, lease, mortgage, or dispose of land and
17 other property, real or personal, or rights or interests therein, and grant or acquire
18 licenses, easements and options with respect thereto, all in the manner and at
19 such price the municipality or the commission determines is reasonably necessary
20 to achieve the objectives of the redevelopment plan. No conveyance, lease,
21 mortgage, disposition of land or other property, acquired by the municipality, or
22 agreement relating to the development of the property shall be made except upon
23 the adoption of an ordinance by the governing body of the municipality. Each
24 municipality or its commission shall establish written procedures relating to bids
25 and proposals for implementation of the redevelopment projects. Furthermore,
26 no conveyance, lease, mortgage, or other disposition of land or agreement
27 relating to the development of property shall be made without making public
28 disclosure of the terms of the disposition and all bids and proposals made in
29 response to the municipality's request. Such procedures for obtaining such bids
30 and proposals shall provide reasonable opportunity for any person to submit
31 alternative proposals or bids;
- 32 (4) Within a redevelopment area, clear any area by demolition or removal
33 of existing buildings and structures;
- 34 (5) Within a redevelopment area, renovate, rehabilitate, or construct any
35 structure or building;
- 36 (6) Install, repair, construct, reconstruct, or relocate streets, utilities, and
37 site improvements essential to the preparation of the redevelopment area for use
38 in accordance with a redevelopment plan;
- 39 (7) Within a redevelopment area, fix, charge, and collect fees, rents, and
40 other charges for the use of any building or property owned or leased by it or any
41 part thereof, or facility therein;
- 42 (8) Accept grants, guarantees, and donations of property, labor, or other
43 things of value from a public or private source for use within a redevelopment
44 area;
- 45 (9) Acquire and construct public facilities within a redevelopment area;

- 46 (10) Incur redevelopment costs and issue obligations;
- 47 (11) Make payment in lieu of taxes, or a portion thereof, to taxing
48 districts;
- 49 (12) Disburse surplus funds from the special allocation fund to taxing
50 districts as follows:
- 51 (a) Such surplus payments in lieu of taxes shall be distributed to taxing
52 districts within the redevelopment area which impose ad valorem taxes on a basis
53 that is proportional to the current collections of revenue which each taxing
54 district receives from real property in the redevelopment area;
- 55 (b) Surplus economic activity taxes shall be distributed to taxing districts
56 in the redevelopment area which impose economic activity taxes, on a basis that
57 is proportional to the amount of such economic activity taxes the taxing district
58 would have received from the redevelopment area had tax increment financing
59 not been adopted;
- 60 (c) Surplus revenues, other than payments in lieu of taxes and economic
61 activity taxes, deposited in the special allocation fund, shall be distributed on a
62 basis that is proportional to the total receipt of such other revenues in such
63 account in the year prior to disbursement;
- 64 (13) If any member of the governing body of the municipality, a member
65 of a commission established pursuant to subsection 2 or 3 of this section, or an
66 employee or consultant of the municipality, involved in the planning and
67 preparation of a redevelopment plan, or redevelopment project for a
68 redevelopment area or proposed redevelopment area, owns or controls an interest,
69 direct or indirect, in any property included in any redevelopment area, or
70 proposed redevelopment area, which property is designated to be acquired or
71 improved pursuant to a redevelopment project, he or she shall disclose the same
72 in writing to the clerk of the municipality, and shall also so disclose the dates,
73 terms, and conditions of any disposition of any such interest, which disclosures
74 shall be acknowledged by the governing body of the municipality and entered
75 upon the minutes books of the governing body of the municipality. If an
76 individual holds such an interest, then that individual shall refrain from any
77 further official involvement in regard to such redevelopment plan, redevelopment
78 project or redevelopment area, from voting on any matter pertaining to such
79 redevelopment plan, redevelopment project or redevelopment area, or
80 communicating with other members concerning any matter pertaining to that
81 redevelopment plan, redevelopment project or redevelopment area. Furthermore,
82 no such member or employee shall acquire any interest, direct or indirect, in any
83 property in a redevelopment area or proposed redevelopment area after either (a)
84 such individual obtains knowledge of such plan or project, or (b) first public
85 notice of such plan, project or area pursuant to section 99.830, whichever first
86 occurs;
- 87 (14) Charge as a redevelopment cost the reasonable costs incurred by its
88 clerk or other official in administering the redevelopment project. The charge for

89 the clerk's or other official's costs shall be determined by the municipality based
90 on a recommendation from the commission, created pursuant to this section.

91 2. Prior to adoption of an ordinance approving the designation of a
92 redevelopment area or approving a redevelopment plan or redevelopment project,
93 the municipality shall create a commission of nine persons if the municipality is
94 a county or a city not within a county and not a first class county with a charter
95 form of government with a population in excess of nine hundred thousand, and
96 eleven persons if the municipality is not a county and not in a first class county
97 with a charter form of government having a population of more than nine
98 hundred thousand, and twelve persons if the municipality is located in or is a first
99 class county with a charter form of government having a population of more than
100 nine hundred thousand, to be appointed as follows:

101 (1) In all municipalities two members shall be appointed by the school
102 boards whose districts are included within the redevelopment plan or
103 redevelopment area. Such members shall be appointed in any manner agreed
104 upon by the affected districts;

105 (2) In all municipalities one member shall be appointed, in any manner
106 agreed upon by the affected districts, to represent all other districts levying ad
107 valorem taxes within the area selected for a redevelopment project or the
108 redevelopment area, excluding representatives of the governing body of the
109 municipality;

110 (3) In all municipalities six members shall be appointed by the chief
111 elected officer of the municipality, with the consent of the majority of the
112 governing body of the municipality;

113 (4) In all municipalities which are not counties and not in a first class
114 county with a charter form of government having a population in excess of nine
115 hundred thousand, two members shall be appointed by the county of such
116 municipality in the same manner as members are appointed in subdivision (3) of
117 this subsection;

118 (5) In a municipality which is a county with a charter form of government
119 having a population in excess of nine hundred thousand, three members shall be
120 appointed by the cities in the county which have tax increment financing districts
121 in a manner in which the cities shall agree;

122 (6) In a municipality which is located in the first class county with a
123 charter form of government having a population in excess of nine hundred
124 thousand, three members shall be appointed by the county of such municipality
125 in the same manner as members are appointed in subdivision (3) of this
126 subsection;

127 (7) At the option of the members appointed by the municipality, the
128 members who are appointed by the school boards and other taxing districts may
129 serve on the commission for a term to coincide with the length of time a
130 redevelopment project, redevelopment plan or designation of a redevelopment
131 area is considered for approval by the commission, or for a definite term pursuant
132 to this subdivision. If the members representing school districts and other taxing

133 districts are appointed for a term coinciding with the length of time a
134 redevelopment project, plan or area is approved, such term shall terminate upon
135 final approval of the project, plan or designation of the area by the governing
136 body of the municipality. Thereafter the commission shall consist of the six
137 members appointed by the municipality, except that members representing school
138 boards and other taxing districts shall be appointed as provided in this section
139 prior to any amendments to any redevelopment plans, redevelopment projects or
140 designation of a redevelopment area. If any school district or other taxing
141 jurisdiction fails to appoint members of the commission within thirty days of
142 receipt of written notice of a proposed redevelopment plan, redevelopment
143 project or designation of a redevelopment area, the remaining members may
144 proceed to exercise the power of the commission. Of the members first
145 appointed by the municipality, two shall be designated to serve for terms of two
146 years, two shall be designated to serve for a term of three years and two shall be
147 designated to serve for a term of four years from the date of such initial
148 appointments. Thereafter, the members appointed by the municipality shall serve
149 for a term of four years, except that all vacancies shall be filled for unexpired
150 terms in the same manner as were the original appointments. Members appointed
151 by the county executive or presiding commissioner prior to August 28, 2008,
152 shall continue their service on the commission established in subsection 3 of this
153 section without further appointment unless the county executive or presiding
154 commissioner appoints a new member or members.

155 3. Beginning August 28, 2008:

156 (1) In lieu of a commission created under subsection 2 of this section, any
157 city, town, or village in a county with a charter form of government and with
158 more than one million inhabitants, in a county with a charter form of government
159 and with more than two hundred fifty thousand but fewer than three hundred fifty
160 thousand inhabitants, or in a county of the first classification with more than one
161 hundred eighty-five thousand but fewer than two hundred thousand inhabitants
162 shall, prior to adoption of an ordinance approving the designation of a
163 redevelopment area or approving a redevelopment plan or redevelopment project,
164 create a commission consisting of twelve persons to be appointed as follows:

165 (a) Six members appointed either by the county executive or presiding
166 commissioner; notwithstanding any provision of law to the contrary, no approval
167 by the county's governing body shall be required;

168 (b) Three members appointed by the cities, towns, or villages in the
169 county which have tax increment financing districts in a manner in which the
170 chief elected officials of such cities, towns, or villages agree;

171 (c) Two members appointed by the school boards whose districts are
172 included in the county in a manner in which the school boards agree; and

173 (d) One member to represent all other districts levying ad valorem taxes
174 in the proposed redevelopment area in a manner in which all such districts agree.
175 No city, town, or village subject to this subsection shall create or maintain a
176 commission under subsection 2 of this section, except as necessary to complete

177 a public hearing for which notice under section 99.830 has been provided prior
178 to August 28, 2008, and to vote or make recommendations relating to
179 redevelopment plans, redevelopment projects, or designation of redevelopment
180 areas, or amendments thereto that were the subject of such public hearing;

181 (2) Members appointed to the commission created under this subsection,
182 except those six members appointed by either the county executive or presiding
183 commissioner, shall serve on the commission for a term to coincide with the
184 length of time a redevelopment project, redevelopment plan, or designation of a
185 redevelopment area is considered for approval by the commission. The six
186 members appointed by either the county executive or the presiding commissioner
187 shall serve on all such commissions until replaced. The city, town, or village that
188 creates a commission under this subsection shall send notice thereof by certified
189 mail to the county executive or presiding commissioner, to the school districts
190 whose boundaries include any portion of the proposed redevelopment area, and
191 to the other taxing districts whose boundaries include any portion of the proposed
192 redevelopment area. The city, town, or village that creates the commission shall
193 also be solely responsible for notifying all other cities, towns, and villages in the
194 county that have tax increment financing districts and shall exercise all
195 administrative functions of the commission. The school districts receiving notice
196 from the city, town, or village shall be solely responsible for notifying the other
197 school districts within the county of the formation of the commission. If the
198 county, school board, or other taxing district fails to appoint members to the
199 commission within thirty days after the city, town, or village sends the written
200 notice, as provided herein, that it has convened such a commission or within
201 thirty days of the expiration of any such member's term, the remaining duly
202 appointed members of the commission may exercise the full powers of the
203 commission.

204 4. (1) Any commission created under this section, subject to approval of
205 the governing body of the municipality, may exercise the powers enumerated in
206 sections 99.800 to 99.865, except final approval of plans, projects and
207 designation of redevelopment areas. The commission shall hold public hearings
208 and provide notice pursuant to sections 99.825 and 99.830.

209 (2) Any commission created under subsection 2 of this section shall vote
210 on all proposed redevelopment plans, redevelopment projects and designations
211 of redevelopment areas, and amendments thereto, within thirty days following
212 completion of the hearing on any such plan, project or designation and shall make
213 recommendations to the governing body within ninety days of the hearing
214 referred to in section 99.825 concerning the adoption of or amendment to
215 redevelopment plans and redevelopment projects and the designation of
216 redevelopment areas. The requirements of subsection 2 of this section and this
217 subsection shall not apply to redevelopment projects upon which the required
218 hearings have been duly held prior to August 31, 1991.

219 (3) Any commission created under subsection 3 of this section shall,
220 within fifteen days of the receipt of a redevelopment plan meeting the minimum

221 requirements of section 99.810, as determined by counsel to the city, town, or
 222 village creating the commission and a request by the applicable city, town, or
 223 village for a public hearing, fix a time and place for the public hearing referred
 224 to in section 99.825. The public hearing shall be held no later than seventy-five
 225 days from the commission's receipt of such redevelopment plan and request for
 226 public hearing. The commission shall vote and make recommendations to the
 227 governing body of the city, town, or village requesting the public hearing on all
 228 proposed redevelopment plans, redevelopment projects, and designations of
 229 redevelopment areas, and amendments thereto within thirty days following the
 230 completion of the public hearing. If the commission fails to vote within thirty
 231 days following the completion of the public hearing referred to in section 99.825
 232 concerning the proposed redevelopment plan, redevelopment project, or
 233 designation of redevelopment area, or amendments thereto, such plan, project,
 234 designation, or amendment thereto shall be deemed rejected by the commission.]
 235

2 [99.825. 1. Prior to the adoption of an ordinance proposing the
 3 designation of a redevelopment area, or approving a redevelopment plan or
 4 redevelopment project, the commission shall fix a time and place for a public
 5 hearing as required in subsection 4 of section 99.820 and notify each taxing
 6 district located wholly or partially within the boundaries of the proposed
 7 redevelopment area, plan or project. At the public hearing any interested person
 8 or affected taxing district may file with the commission written objections to, or
 9 comments on, and may be heard orally in respect to, any issues embodied in the
 10 notice. The commission shall hear and consider all protests, objections,
 11 comments and other evidence presented at the hearing. The hearing may be
 12 continued to another date without further notice other than a motion to be entered
 13 upon the minutes fixing the time and place of the subsequent hearing; provided,
 14 if the commission is created under subsection 3 of section 99.820, the hearing
 15 shall not be continued for more than thirty days beyond the date on which it is
 16 originally opened unless such longer period is requested by the chief elected
 17 official of the municipality creating the commission and approved by a majority
 18 of the commission. Prior to the conclusion of the hearing, changes may be made
 19 in the redevelopment plan, redevelopment project, or redevelopment area,
 20 provided that each affected taxing district is given written notice of such changes
 21 at least seven days prior to the conclusion of the hearing. After the public hearing
 22 but prior to the adoption of an ordinance approving a redevelopment plan or
 23 redevelopment project, or designating a redevelopment area, changes may be
 24 made to the redevelopment plan, redevelopment projects or redevelopment areas
 25 without a further hearing, if such changes do not enlarge the exterior boundaries
 26 of the redevelopment area or areas, and do not substantially affect the general
 27 land uses established in the redevelopment plan or substantially change the nature
 28 of the redevelopment projects, provided that notice of such changes shall be
 29 given by mail to each affected taxing district and by publication in a newspaper
 of general circulation in the area of the proposed redevelopment not less than ten

30 days prior to the adoption of the changes by ordinance. After the adoption of an
31 ordinance approving a redevelopment plan or redevelopment project, or
32 designating a redevelopment area, no ordinance shall be adopted altering the
33 exterior boundaries, affecting the general land uses established pursuant to the
34 redevelopment plan or changing the nature of the redevelopment project without
35 complying with the procedures provided in this section pertaining to the initial
36 approval of a redevelopment plan or redevelopment project and designation of
37 a redevelopment area. Hearings with regard to a redevelopment project,
38 redevelopment area, or redevelopment plan may be held simultaneously.

39 2. Effective January 1, 2008, if, after concluding the hearing required
40 under this section, the commission makes a recommendation under section
41 99.820 in opposition to a proposed redevelopment plan, redevelopment project,
42 or designation of a redevelopment area, or any amendments thereto, a
43 municipality desiring to approve such project, plan, designation, or amendments
44 shall do so only upon a two-thirds majority vote of the governing body of such
45 municipality.

46 3. Tax incremental financing projects within an economic development
47 area shall apply to and fund only the following infrastructure projects: highways,
48 roads, streets, bridges, sewers, traffic control systems and devices, water
49 distribution and supply systems, curbing, sidewalks and any other similar public
50 improvements, but in no case shall it include buildings.]

51

2 [99.830. 1. Notice of the public hearing required by section 99.825 shall
3 be given by publication and mailing. Notice by publication shall be given by
4 publication at least twice, the first publication to be not more than thirty days and
5 the second publication to be not more than ten days prior to the hearing, in a
6 newspaper of general circulation in the area of the proposed redevelopment.
7 Notice by mailing shall be given by depositing such notice in the United States
8 mail by certified mail addressed to the person or persons in whose name the
9 general taxes for the last preceding year were paid on each lot, block, tract, or
10 parcel of land lying within the redevelopment project or redevelopment area
11 which is to be subjected to the payment or payments in lieu of taxes and
12 economic activity taxes pursuant to section 99.845. Such notice shall be mailed
13 not less than ten days prior to the date set for the public hearing. In the event
14 taxes for the last preceding year were not paid, the notice shall also be sent to the
15 persons last listed on the tax rolls within the preceding three years as the owners
16 of such property.

16 2. The notices issued pursuant to this section shall include the following:

17 (1) The time and place of the public hearing;

18 (2) The general boundaries of the proposed redevelopment area or
19 redevelopment project by street location, where possible;

20 (3) A statement that all interested persons shall be given an opportunity
21 to be heard at the public hearing;

22 (4) A description of the proposed redevelopment plan or redevelopment
 23 project and a location and time where the entire plan or project proposal may be
 24 reviewed by any interested party;

25 (5) Such other matters as the commission may deem appropriate.

26 3. Not less than forty-five days prior to the date set for the public hearing,
 27 the commission shall give notice by mail as provided in subsection 1 of this
 28 section to all taxing districts from which taxable property is included in the
 29 redevelopment area, redevelopment project or redevelopment plan, and in
 30 addition to the other requirements pursuant to subsection 2 of this section, the
 31 notice shall include an invitation to each taxing district to submit comments to
 32 the commission concerning the subject matter of the hearing prior to the date of
 33 the hearing.

34 4. A copy of any and all hearing notices required by section 99.825 shall
 35 be submitted by the commission to the director of the department of economic
 36 development. Such submission of the copy of the hearing notice shall comply
 37 with the prior notice requirements pursuant to subsection 3 of this section.]
 38

2 [99.835. 1. Obligations secured by the special allocation fund set forth
 3 in sections 99.845 and 99.850 for the redevelopment area or redevelopment
 4 project may be issued by the municipality pursuant to section 99.820 or by the tax
 5 increment financing commission to provide for redevelopment costs. Such
 6 obligations, when so issued, shall be retired in the manner provided in the
 7 ordinance or resolution authorizing the issuance of such obligations by the
 8 receipts of payments in lieu of taxes as specified in section 99.855 and, subject
 9 to annual appropriation, other tax revenue as specified in section 99.845. A
 10 municipality may, in the ordinance or resolution, pledge all or any part of the
 11 funds in and to be deposited in the special allocation fund created pursuant to
 12 sections 99.845 and 99.850 to the payment of the redevelopment costs and
 13 obligations. Any pledge of funds in the special allocation fund may provide for
 14 distribution to the taxing districts of moneys not required for payment of
 15 redevelopment costs or obligations and such excess funds shall be deemed to be
 16 surplus funds, except that any moneys allocated to the special allocation fund as
 17 provided in subsection 4 of section 99.845, and which are not required for
 18 payment of redevelopment costs and obligations, shall not be distributed to the
 19 taxing districts but shall be returned to the department of economic development
 20 for credit to the general revenue fund. In the event a municipality only pledges
 21 a portion of the funds in the special allocation fund for the payment of
 22 redevelopment costs or obligations, any such funds remaining in the special
 23 allocation fund after complying with the requirements of the pledge, including
 24 the retention of funds for the payment of future redevelopment costs, if so
 25 required, shall also be deemed surplus funds. All surplus funds shall be
 26 distributed annually to the taxing districts in the redevelopment area by being
 27 paid by the municipal treasurer to the county collector who shall immediately
 thereafter make distribution as provided in subdivision (12) of section 99.820.

28 2. Without limiting the provisions of subsection 1 of this section, the
 29 municipality may, in addition to obligations secured by the special allocation
 30 fund, pledge any part or any combination of net new revenues of any
 31 redevelopment project, or a mortgage on part or all of the redevelopment project
 32 to secure its obligations or other redevelopment costs.

33 3. Obligations issued pursuant to sections 99.800 to 99.865 may be
 34 issued in one or more series bearing interest at such rate or rates as the issuing
 35 body of the municipality shall determine by ordinance or resolution. Such
 36 obligations shall bear such date or dates, mature at such time or times not
 37 exceeding twenty-three years from their respective dates, when secured by the
 38 special allocation fund, be in such denomination, carry such registration
 39 privileges, be executed in such manner, be payable in such medium of payment
 40 at such place or places, contain such covenants, terms and conditions, and be
 41 subject to redemption as such ordinance or resolution shall provide. Obligations
 42 issued pursuant to sections 99.800 to 99.865 may be sold at public or private sale
 43 at such price as shall be determined by the issuing body and shall state that
 44 obligations issued pursuant to sections 99.800 to 99.865 are special obligations
 45 payable solely from the special allocation fund or other funds specifically
 46 pledged. No referendum approval of the electors shall be required as a condition
 47 to the issuance of obligations pursuant to sections 99.800 to 99.865.

48 4. The ordinance authorizing the issuance of obligations may provide that
 49 the obligations shall contain a recital that they are issued pursuant to sections
 50 99.800 to 99.865, which recital shall be conclusive evidence of their validity and
 51 of the regularity of their issuance.

52 5. Neither the municipality, its duly authorized commission, the
 53 commissioners or the officers of a municipality nor any person executing any
 54 obligation shall be personally liable for such obligation by reason of the issuance
 55 thereof. The obligations issued pursuant to sections 99.800 to 99.865 shall not
 56 be a general obligation of the municipality, county, state of Missouri, or any
 57 political subdivision thereof, nor in any event shall such obligation be payable out
 58 of any funds or properties other than those specifically pledged as security
 59 therefor. The obligations shall not constitute indebtedness within the meaning
 60 of any constitutional, statutory or charter debt limitation or restriction.]
 61

2 [99.840. 1. A municipality may also issue its obligations to refund, in
 3 whole or in part, obligations theretofore issued by such municipality under the
 4 authority of sections 99.800 to 99.865, whether at or prior to maturity; provided,
 5 however, that the last maturity of the refunding obligations shall not be expressed
 6 to mature later than the last maturity date of the obligations to be refunded.

7 2. In the event a municipality issues obligations under home rule powers
 8 or other legislative authority, the proceeds of which are pledged to pay for
 9 redevelopment project costs, the municipality may, if it has followed the
 10 procedures in conformance with sections 99.800 to 99.865, retire such
 obligations from funds in the special allocation fund in amounts and in such

11 manner as if such obligations had been issued pursuant to the provisions of
12 sections 99.800 to 99.865.]

13

2 [99.843. Notwithstanding the provisions of sections 99.800 to 99.865 to
3 the contrary, no new tax increment financing project shall be authorized in any
4 greenfield area, as such term is defined in section 99.805, that is located within
5 a city not within a county or any county subject to the authority of the East-West
6 Gateway Council of Governments. Municipalities not subject to the authority of
7 the East-West Gateway Council of Governments may authorize tax increment
8 finance projects in greenfield areas.]

8

2 [99.845. 1. A municipality, either at the time a redevelopment project is
3 approved or, in the event a municipality has undertaken acts establishing a
4 redevelopment plan and redevelopment project and has designated a
5 redevelopment area after the passage and approval of sections 99.800 to 99.865
6 but prior to August 13, 1982, which acts are in conformance with the procedures
7 of sections 99.800 to 99.865, may adopt tax increment allocation financing by
8 passing an ordinance providing that after the total equalized assessed valuation
9 of the taxable real property in a redevelopment project exceeds the certified total
10 initial equalized assessed valuation of the taxable real property in the
11 redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if
12 any, arising from the levies upon taxable real property in such redevelopment
13 project by taxing districts and tax rates determined in the manner provided in
14 subsection 2 of section 99.855 each year after the effective date of the ordinance
15 until redevelopment costs have been paid shall be divided as follows:

16 (1) That portion of taxes, penalties and interest levied upon each taxable
17 lot, block, tract, or parcel of real property which is attributable to the initial
18 equalized assessed value of each such taxable lot, block, tract, or parcel of real
19 property in the area selected for the redevelopment project shall be allocated to
20 and, when collected, shall be paid by the county collector to the respective
21 affected taxing districts in the manner required by law in the absence of the
22 adoption of tax increment allocation financing;

23 (2) (a) Payments in lieu of taxes attributable to the increase in the current
24 equalized assessed valuation of each taxable lot, block, tract, or parcel of real
25 property in the area selected for the redevelopment project and any applicable
26 penalty and interest over and above the initial equalized assessed value of each
27 such unit of property in the area selected for the redevelopment project shall be
28 allocated to and, when collected, shall be paid to the municipal treasurer who
29 shall deposit such payment in lieu of taxes into a special fund called the "Special
30 Allocation Fund" of the municipality for the purpose of paying redevelopment
31 costs and obligations incurred in the payment thereof. Payments in lieu of taxes
32 which are due and owing shall constitute a lien against the real estate of the
33 redevelopment project from which they are derived and shall be collected in the
same manner as the real property tax, including the assessment of penalties and

34 interest where applicable. The municipality may, in the ordinance, pledge the
35 funds in the special allocation fund for the payment of such costs and obligations
36 and provide for the collection of payments in lieu of taxes, the lien of which may
37 be foreclosed in the same manner as a special assessment lien as provided in
38 section 88.861. No part of the current equalized assessed valuation of each lot,
39 block, tract, or parcel of property in the area selected for the redevelopment
40 project attributable to any increase above the total initial equalized assessed value
41 of such properties shall be used in calculating the general state school aid formula
42 provided for in section 163.031 until such time as all redevelopment costs have
43 been paid as provided for in this section and section 99.850;

44 (b) Notwithstanding any provisions of this section to the contrary, for
45 purposes of determining the limitation on indebtedness of local government
46 pursuant to article VI, section 26(b) of the Missouri Constitution, the current
47 equalized assessed value of the property in an area selected for redevelopment
48 attributable to the increase above the total initial equalized assessed valuation
49 shall be included in the value of taxable tangible property as shown on the last
50 completed assessment for state or county purposes;

51 (c) The county assessor shall include the current assessed value of all
52 property within the taxing district in the aggregate valuation of assessed property
53 entered upon the assessor's book and verified pursuant to section 137.245, and
54 such value shall be utilized for the purpose of the debt limitation on local
55 government pursuant to article VI, section 26(b) of the Missouri Constitution;

56 (3) For purposes of this section, "levies upon taxable real property in
57 such redevelopment project by taxing districts" shall not include the blind
58 pension fund tax levied under the authority of article III, section 38(b) of the
59 Missouri Constitution, or the merchants' and manufacturers' inventory
60 replacement tax levied under the authority of subsection 2 of section 6 of article
61 X of the Missouri Constitution, except in redevelopment project areas in which
62 tax increment financing has been adopted by ordinance pursuant to a plan
63 approved by vote of the governing body of the municipality taken after August
64 13, 1982, and before January 1, 1998.

65 2. In addition to the payments in lieu of taxes described in subdivision
66 (2) of subsection 1 of this section, for redevelopment plans and projects adopted
67 or redevelopment projects approved by ordinance after July 12, 1990, and prior
68 to August 31, 1991, fifty percent of the total additional revenue from taxes,
69 penalties and interest imposed by the municipality, or other taxing districts,
70 which are generated by economic activities within the area of the redevelopment
71 project over the amount of such taxes generated by economic activities within the
72 area of the redevelopment project in the calendar year prior to the adoption of the
73 redevelopment project by ordinance, while tax increment financing remains in
74 effect, but excluding taxes imposed on sales or charges for sleeping rooms paid
75 by transient guests of hotels and motels, taxes levied pursuant to section 70.500,
76 licenses, fees or special assessments other than payments in lieu of taxes and any
77 penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant

78 to section 94.660, for the purpose of public transportation, shall be allocated to,
79 and paid by the local political subdivision collecting officer to the treasurer or
80 other designated financial officer of the municipality, who shall deposit such
81 funds in a separate segregated account within the special allocation fund. Any
82 provision of an agreement, contract or covenant entered into prior to July 12,
83 1990, between a municipality and any other political subdivision which provides
84 for an appropriation of other municipal revenues to the special allocation fund
85 shall be and remain enforceable.

86 3. In addition to the payments in lieu of taxes described in subdivision
87 (2) of subsection 1 of this section, for redevelopment plans and projects adopted
88 or redevelopment projects approved by ordinance after August 31, 1991, fifty
89 percent of the total additional revenue from taxes, penalties and interest which
90 are imposed by the municipality or other taxing districts, and which are generated
91 by economic activities within the area of the redevelopment project over the
92 amount of such taxes generated by economic activities within the area of the
93 redevelopment project in the calendar year prior to the adoption of the
94 redevelopment project by ordinance, while tax increment financing remains in
95 effect, but excluding personal property taxes, taxes imposed on sales or charges
96 for sleeping rooms paid by transient guests of hotels and motels, taxes levied
97 pursuant to section 70.500, taxes levied for the purpose of public transportation
98 pursuant to section 94.660, licenses, fees or special assessments other than
99 payments in lieu of taxes and penalties and interest thereon, or any sales tax
100 imposed by a county with a charter form of government and with more than six
101 hundred thousand but fewer than seven hundred thousand inhabitants, for the
102 purpose of sports stadium improvement, shall be allocated to, and paid by the
103 local political subdivision collecting officer to the treasurer or other designated
104 financial officer of the municipality, who shall deposit such funds in a separate
105 segregated account within the special allocation fund.

106 4. Beginning January 1, 1998, for redevelopment plans and projects
107 adopted or redevelopment projects approved by ordinance and which have
108 complied with subsections 4 to 12 of this section, in addition to the payments in
109 lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of
110 this section, up to fifty percent of the new state revenues, as defined in subsection
111 8 of this section, estimated for the businesses within the project area and
112 identified by the municipality in the application required by subsection 10 of this
113 section, over and above the amount of such taxes reported by businesses within
114 the project area as identified by the municipality in their application prior to the
115 approval of the redevelopment project by ordinance, while tax increment
116 financing remains in effect, may be available for appropriation by the general
117 assembly as provided in subsection 10 of this section to the department of
118 economic development supplemental tax increment financing fund, from the
119 general revenue fund, for distribution to the treasurer or other designated
120 financial officer of the municipality with approved plans or projects.

121 5. The treasurer or other designated financial officer of the municipality
122 with approved plans or projects shall deposit such funds in a separate segregated
123 account within the special allocation fund established pursuant to section 99.805.

124 6. No transfer from the general revenue fund to the Missouri
125 supplemental tax increment financing fund shall be made unless an appropriation
126 is made from the general revenue fund for that purpose. No municipality shall
127 commit any state revenues prior to an appropriation being made for that project.
128 For all redevelopment plans or projects adopted or approved after December 23,
129 1997, appropriations from the new state revenues shall not be distributed from
130 the Missouri supplemental tax increment financing fund into the special
131 allocation fund unless the municipality's redevelopment plan ensures that one
132 hundred percent of payments in lieu of taxes and fifty percent of economic
133 activity taxes generated by the project shall be used for eligible redevelopment
134 project costs while tax increment financing remains in effect. This account shall
135 be separate from the account into which payments in lieu of taxes are deposited,
136 and separate from the account into which economic activity taxes are deposited.

137 7. In order for the redevelopment plan or project to be eligible to receive
138 the revenue described in subsection 4 of this section, the municipality shall
139 comply with the requirements of subsection 10 of this section prior to the time
140 the project or plan is adopted or approved by ordinance. The director of the
141 department of economic development and the commissioner of the office of
142 administration may waive the requirement that the municipality's application be
143 submitted prior to the redevelopment plan's or project's adoption or the
144 redevelopment plan's or project's approval by ordinance.

145 8. For purposes of this section, "new state revenues" means:

146 (1) The incremental increase in the general revenue portion of state sales
147 tax revenues received pursuant to section 144.020, excluding sales taxes that are
148 constitutionally dedicated, taxes deposited to the school district trust fund in
149 accordance with section 144.701, sales and use taxes on motor vehicles, trailers,
150 boats and outboard motors and future sales taxes earmarked by law. In no event
151 shall the incremental increase include any amounts attributable to retail sales
152 unless the municipality or authority has proven to the Missouri development
153 finance board and the department of economic development and such entities
154 have made a finding that the sales tax increment attributable to retail sales is from
155 new sources which did not exist in the state during the baseline year. The
156 incremental increase in the general revenue portion of state sales tax revenues for
157 an existing or relocated facility shall be the amount that current state sales tax
158 revenue exceeds the state sales tax revenue in the base year as stated in the
159 redevelopment plan as provided in subsection 10 of this section; or

160 (2) The state income tax withheld on behalf of new employees by the
161 employer pursuant to section 143.221 at the business located within the project
162 as identified by the municipality. The state income tax withholding allowed by
163 this section shall be the municipality's estimate of the amount of state income tax

164 withheld by the employer within the redevelopment area for new employees who
165 fill new jobs directly created by the tax increment financing project.

166 9. Subsection 4 of this section shall apply only to blighted areas located
167 in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas
168 located in federal empowerment zones, or to blighted areas located in central
169 business districts or urban core areas of cities which districts or urban core areas
170 at the time of approval of the project by ordinance, provided that the enterprise
171 zones, federal empowerment zones or blighted areas contained one or more
172 buildings at least fifty years old; and

173 (1) Suffered from generally declining population or property taxes over
174 the twenty-year period immediately preceding the area's designation as a project
175 area by ordinance; or

176 (2) Was a historic hotel located in a county of the first classification
177 without a charter form of government with a population according to the most
178 recent federal decennial census in excess of one hundred fifty thousand and
179 containing a portion of a city with a population according to the most recent
180 federal decennial census in excess of three hundred fifty thousand.

181 10. The initial appropriation of up to fifty percent of the new state
182 revenues authorized pursuant to subsections 4 and 5 of this section shall not be
183 made to or distributed by the department of economic development to a
184 municipality until all of the following conditions have been satisfied:

185 (1) The director of the department of economic development or his or her
186 designee and the commissioner of the office of administration or his or her
187 designee have approved a tax increment financing application made by the
188 municipality for the appropriation of the new state revenues. The municipality
189 shall include in the application the following items in addition to the items in
190 section 99.810:

191 (a) The tax increment financing district or redevelopment area, including
192 the businesses identified within the redevelopment area;

193 (b) The base year of state sales tax revenues or the base year of state
194 income tax withheld on behalf of existing employees, reported by existing
195 businesses within the project area prior to approval of the redevelopment project;

196 (c) The estimate of the incremental increase in the general revenue
197 portion of state sales tax revenue or the estimate for the state income tax withheld
198 by the employer on behalf of new employees expected to fill new jobs created
199 within the redevelopment area after redevelopment;

200 (d) The official statement of any bond issue pursuant to this subsection
201 after December 23, 1997;

202 (e) An affidavit that is signed by the developer or developers attesting
203 that the provisions of subdivision (1) of section 99.810 have been met and
204 specifying that the redevelopment area would not be reasonably anticipated to be
205 developed without the appropriation of the new state revenues;

206 (f) The cost-benefit analysis required by section 99.810 includes a study
207 of the fiscal impact on the state of Missouri; and

- 208 (g) The statement of election between the use of the incremental increase
209 of the general revenue portion of the state sales tax revenues or the state income
210 tax withheld by employers on behalf of new employees who fill new jobs created
211 in the redevelopment area;
- 212 (h) The name, street and mailing address, and phone number of the
213 mayor or chief executive officer of the municipality;
- 214 (i) The street address of the development site;
- 215 (j) The three-digit North American Industry Classification System
216 number or numbers characterizing the development project;
- 217 (k) The estimated development project costs;
- 218 (l) The anticipated sources of funds to pay such development project
219 costs;
- 220 (m) Evidence of the commitments to finance such development project
221 costs;
- 222 (n) The anticipated type and term of the sources of funds to pay such
223 development project costs;
- 224 (o) The anticipated type and terms of the obligations to be issued;
- 225 (p) The most recent equalized assessed valuation of the property within
226 the development project area;
- 227 (q) An estimate as to the equalized assessed valuation after the
228 development project area is developed in accordance with a development plan;
- 229 (r) The general land uses to apply in the development area;
- 230 (s) The total number of individuals employed in the development area,
231 broken down by full-time, part-time, and temporary positions;
- 232 (t) The total number of full-time equivalent positions in the development
233 area;
- 234 (u) The current gross wages, state income tax withholdings, and federal
235 income tax withholdings for individuals employed in the development area;
- 236 (v) The total number of individuals employed in this state by the
237 corporate parent of any business benefitting from public expenditures in the
238 development area, and all subsidiaries thereof, as of December thirty-first of the
239 prior fiscal year, broken down by full-time, part-time, and temporary positions;
- 240 (w) The number of new jobs to be created by any business benefitting
241 from public expenditures in the development area, broken down by full-time,
242 part-time, and temporary positions;
- 243 (x) The average hourly wage to be paid to all current and new employees
244 at the project site, broken down by full-time, part-time, and temporary positions;
- 245 (y) For project sites located in a metropolitan statistical area, as defined
246 by the federal Office of Management and Budget, the average hourly wage paid
247 to nonmanagerial employees in this state for the industries involved at the project,
248 as established by the United States Bureau of Labor Statistics;
- 249 (z) For project sites located outside of metropolitan statistical areas, the
250 average weekly wage paid to nonmanagerial employees in the county for

251 industries involved at the project, as established by the United States Department
252 of Commerce;

253 (aa) A list of other community and economic benefits to result from the
254 project;

255 (bb) A list of all development subsidies that any business benefitting
256 from public expenditures in the development area has previously received for the
257 project, and the name of any other granting body from which such subsidies are
258 sought;

259 (cc) A list of all other public investments made or to be made by this
260 state or units of local government to support infrastructure or other needs
261 generated by the project for which the funding pursuant to this section is being
262 sought;

263 (dd) A statement as to whether the development project may reduce
264 employment at any other site, within or without the state, resulting from
265 automation, merger, acquisition, corporate restructuring, relocation, or other
266 business activity;

267 (ee) A statement as to whether or not the project involves the relocation
268 of work from another address and if so, the number of jobs to be relocated and
269 the address from which they are to be relocated;

270 (ff) A list of competing businesses in the county containing the
271 development area and in each contiguous county;

272 (gg) A market study for the development area;

273 (hh) A certification by the chief officer of the applicant as to the accuracy
274 of the development plan;

275 (2) The methodologies used in the application for determining the base
276 year and determining the estimate of the incremental increase in the general
277 revenue portion of the state sales tax revenues or the state income tax withheld
278 by employers on behalf of new employees who fill new jobs created in the
279 redevelopment area shall be approved by the director of the department of
280 economic development or his or her designee and the commissioner of the office
281 of administration or his or her designee. Upon approval of the application, the
282 director of the department of economic development or his or her designee and
283 the commissioner of the office of administration or his or her designee shall issue
284 a certificate of approval. The department of economic development may request
285 the appropriation following application approval;

286 (3) The appropriation shall be either a portion of the estimate of the
287 incremental increase in the general revenue portion of state sales tax revenues in
288 the redevelopment area or a portion of the estimate of the state income tax
289 withheld by the employer on behalf of new employees who fill new jobs created
290 in the redevelopment area as indicated in the municipality's application, approved
291 by the director of the department of economic development or his or her designee
292 and the commissioner of the office of administration or his or her designee. At
293 no time shall the annual amount of the new state revenues approved for

294 disbursements from the Missouri supplemental tax increment financing fund
295 exceed thirty-two million dollars;

296 (4) Redevelopment plans and projects receiving new state revenues shall
297 have a duration of up to fifteen years, unless prior approval for a longer term is
298 given by the director of the department of economic development or his or her
299 designee and the commissioner of the office of administration or his or her
300 designee; except that, in no case shall the duration exceed twenty-three years.

301 11. In addition to the areas authorized in subsection 9 of this section, the
302 funding authorized pursuant to subsection 4 of this section shall also be available
303 in a federally approved levee district, where construction of a levee begins after
304 December 23, 1997, and which is contained within a county of the first
305 classification without a charter form of government with a population between
306 fifty thousand and one hundred thousand inhabitants which contains all or part
307 of a city with a population in excess of four hundred thousand or more
308 inhabitants.

309 12. There is hereby established within the state treasury a special fund to
310 be known as the "Missouri Supplemental Tax Increment Financing Fund", to be
311 administered by the department of economic development. The department shall
312 annually distribute from the Missouri supplemental tax increment financing fund
313 the amount of the new state revenues as appropriated as provided in the
314 provisions of subsections 4 and 5 of this section if and only if the conditions of
315 subsection 10 of this section are met. The fund shall also consist of any gifts,
316 contributions, grants or bequests received from federal, private or other sources.
317 Moneys in the Missouri supplemental tax increment financing fund shall be
318 disbursed per project pursuant to state appropriations.

319 13. Redevelopment project costs may include, at the prerogative of the
320 state, the portion of salaries and expenses of the department of economic
321 development and the department of revenue reasonably allocable to each
322 redevelopment project approved for disbursements from the Missouri
323 supplemental tax increment financing fund for the ongoing administrative
324 functions associated with such redevelopment project. Such amounts shall be
325 recovered from new state revenues deposited into the Missouri supplemental tax
326 increment financing fund created under this section.

327 14. For redevelopment plans or projects approved by ordinance that
328 result in net new jobs from the relocation of a national headquarters from another
329 state to the area of the redevelopment project, the economic activity taxes and
330 new state tax revenues shall not be based on a calculation of the incremental
331 increase in taxes as compared to the base year or prior calendar year for such
332 redevelopment project, rather the incremental increase shall be the amount of
333 total taxes generated from the net new jobs brought in by the national
334 headquarters from another state. In no event shall this subsection be construed
335 to allow a redevelopment project to receive an appropriation in excess of up to
336 fifty percent of the new state revenues.]

337

2 [99.847. 1. Notwithstanding the provisions of sections 99.800 to 99.865
3 to the contrary, no new tax increment financing project shall be authorized in any
4 area which is within an area designated as flood plain by the Federal Emergency
5 Management Agency and which is located in or partly within a county with a
6 charter form of government with greater than two hundred fifty thousand
7 inhabitants but fewer than three hundred thousand inhabitants, unless the
8 redevelopment area actually abuts a river or a major waterway and is substantially
9 surrounded by contiguous properties with residential, industrial, or commercial
10 zoning classifications.

11 2. This subsection shall not apply to tax increment financing projects or
12 districts approved prior to July 1, 2003, and shall allow the aforementioned tax
13 increment financing projects to modify, amend or expand such projects including
14 redevelopment project costs by not more than forty percent of such project
15 original projected cost including redevelopment project costs as such projects
16 including redevelopment project costs as such projects redevelopment projects
17 including redevelopment project costs existed as of June 30, 2003, and shall
18 allow the aforementioned tax increment financing district to modify, amend or
19 expand such districts by not more than five percent as such districts existed as of
20 June 30, 2003.]

2 [99.848. Notwithstanding subsection 1 of section 99.847, any district
3 providing emergency services pursuant to chapter 190 or 321 shall be entitled to
4 reimbursement from the special allocation fund in the amount of at least fifty
5 percent nor more than one hundred percent of the district's tax increment. This
6 section shall not apply to tax increment financing projects or districts approved
7 prior to August 28, 2004.]

2 [99.850. 1. When such redevelopment project costs, including, but not
3 limited to, all municipal obligations financing redevelopment project costs
4 incurred under sections 99.800 to 99.865 have been paid, all surplus funds then
5 remaining in the special allocation fund shall be paid by the municipal treasurer
6 to the county collector who shall immediately thereafter pay such funds to the
7 taxing districts in the area selected for a redevelopment project in the same
8 manner and proportion as the most recent distribution by the collector to the
9 affected districts of real property taxes from real property in the area selected for
10 a redevelopment project.

11 2. Upon the payment of all redevelopment project costs, retirement of
12 obligations and the distribution of any excess moneys pursuant to section 99.845
13 and this section, the municipality shall adopt an ordinance dissolving the special
14 allocation fund for the redevelopment area and terminating the designation of the
15 redevelopment area as a redevelopment area. Thereafter the rates of the taxing
16 districts shall be extended and taxes levied, collected, and distributed in the
manner applicable in the absence of the adoption of tax increment financing.

17 3. Nothing in sections 99.800 to 99.865 shall be construed as relieving
 18 property in such areas from paying a uniform rate of taxes, as required by article
 19 X, section 3 of the Missouri Constitution.]
 20

 [99.855. 1. If a municipality by ordinance provides for tax increment
 2 allocation financing pursuant to sections 99.845 and 99.850, the county assessor
 3 shall immediately thereafter determine total equalized assessed value of all
 4 taxable real property within such redevelopment project by adding together the
 5 most recently ascertained equalized assessed value of each taxable lot, block,
 6 tract, or parcel of real property within such project, and shall certify such amount
 7 as the total initial equalized assessed value of the taxable real property within
 8 such project.

 2. After the county assessor has certified the total initial equalized
 9 assessed value of the taxable real property in such redevelopment project, then,
 10 in respect to every taxing district containing a redevelopment project, the county
 11 clerk, or any other official required by law to ascertain the amount of the
 12 equalized assessed value of all taxable property within such district for the
 13 purpose of computing any debt service levies to be extended upon taxable
 14 property within such district, shall in every year that tax increment allocation
 15 financing is in effect ascertain the amount of value of taxable property in a
 16 redevelopment project by including in such amount the certified total initial
 17 equalized assessed value of all taxable real property in such area in lieu of the
 18 equalized assessed value of all taxable real property in such area. For the purpose
 19 of measuring the size of payments in lieu of taxes under sections 99.800 to
 20 99.865, all tax levies shall then be extended to the current equalized assessed
 21 value of all property in the redevelopment project in the same manner as the tax
 22 rate percentage is extended to all other taxable property in the taxing district. The
 23 method of extending taxes established under this section shall terminate when the
 24 municipality adopts an ordinance dissolving the special allocation fund for the
 25 redevelopment project.]
 26
 27

 [99.860. If any section, subsection, subdivision, paragraph, sentence or
 2 clause of sections 99.800 to 99.860 is, for any reason, held to be invalid or
 3 unconstitutional, such decision shall not affect any remaining portion, section, or
 4 part thereof which can be given effect without the invalid provision.]
 5

 [99.863. Beginning in 1999, and every five years thereafter, a joint
 2 committee of the general assembly, comprised of five members appointed by the
 3 speaker of the house of representatives and five members appointed by the
 4 president pro tem of the senate, shall review sections 99.800 to 99.865. A report
 5 based on such review, with any recommended legislative changes, shall be
 6 submitted to the speaker of the house of representatives and the president pro tem
 7 of the senate no later than February first following the year in which the review
 8 is conducted.]

2 [99.865. 1. Each year the governing body of the municipality, or its
3 designee, shall prepare a report concerning the status of each redevelopment plan
4 and redevelopment project, and shall submit a copy of such report to the director
5 of the department of economic development. The report shall include the
6 following:

7 (1) The amount and source of revenue in the special allocation fund;
8 (2) The amount and purpose of expenditures from the special allocation
9 fund;

10 (3) The amount of any pledge of revenues, including principal and
11 interest on any outstanding bonded indebtedness;

12 (4) The original assessed value of the redevelopment project;

13 (5) The assessed valuation added to the redevelopment project;

14 (6) Payments made in lieu of taxes received and expended;

15 (7) The economic activity taxes generated within the redevelopment area
16 in the calendar year prior to the approval of the redevelopment plan, to include
17 a separate entry for the state sales tax revenue base for the redevelopment area or
18 the state income tax withheld by employers on behalf of existing employees in
19 the redevelopment area prior to the redevelopment plan;

20 (8) The economic activity taxes generated within the redevelopment area
21 after the approval of the redevelopment plan, to include a separate entry for the
22 increase in state sales tax revenues for the redevelopment area or the increase in
23 state income tax withheld by employers on behalf of new employees who fill new
24 jobs created in the redevelopment area;

25 (9) Reports on contracts made incident to the implementation and
26 furtherance of a redevelopment plan or project;

27 (10) A copy of any redevelopment plan, which shall include the required
28 findings and cost-benefit analysis pursuant to subdivisions (1) to (6) of section
29 99.810;

30 (11) The cost of any property acquired, disposed of, rehabilitated,
31 reconstructed, repaired or remodeled;

32 (12) The number of parcels acquired by or through initiation of eminent
33 domain proceedings; and

34 (13) Any additional information the municipality deems necessary.

35 2. Data contained in the report mandated pursuant to the provisions of
36 subsection 1 of this section and any information regarding amounts disbursed to
37 municipalities pursuant to the provisions of section 99.845 shall be deemed a
38 public record, as defined in section 610.010. An annual statement showing the
39 payments made in lieu of taxes received and expended in that year, the status of
40 the redevelopment plan and projects therein, amount of outstanding bonded
41 indebtedness and any additional information the municipality deems necessary
42 shall be published in a newspaper of general circulation in the municipality.

43 3. Five years after the establishment of a redevelopment plan and every
44 five years thereafter the governing body shall hold a public hearing regarding
those redevelopment plans and projects created pursuant to sections 99.800 to

45 99.865. The purpose of the hearing shall be to determine if the redevelopment
46 project is making satisfactory progress under the proposed time schedule
47 contained within the approved plans for completion of such projects.

48 Notice of such public hearing shall be given in a newspaper of general circulation
49 in the area served by the commission once each week for four weeks immediately
50 prior to the hearing.

51 4. The director of the department of economic development shall submit
52 a report to the state auditor, the speaker of the house of representatives, and the
53 president pro tem of the senate no later than February first of each year. The
54 report shall contain a summary of all information received by the director
55 pursuant to this section.

56 5. For the purpose of coordinating all tax increment financing projects
57 using new state revenues, the director of the department of economic
58 development may promulgate rules and regulations to ensure compliance with
59 this section. Such rules and regulations may include methods for enumerating all
60 of the municipalities which have established commissions pursuant to section
61 99.820. No rule or portion of a rule promulgated under the authority of sections
62 99.800 to 99.865 shall become effective unless it has been promulgated pursuant
63 to the provisions of chapter 536. All rulemaking authority delegated prior to June
64 27, 1997, is of no force and effect and repealed; however, nothing in this section
65 shall be interpreted to repeal or affect the validity of any rule filed or adopted
66 prior to June 27, 1997, if such rule complied with the provisions of chapter 536.
67 The provisions of this section and chapter 536 are nonseverable and if any of the
68 powers vested with the general assembly pursuant to chapter 536, including the
69 ability to review, to delay the effective date, or to disapprove and annul a rule or
70 portion of a rule, are subsequently held unconstitutional, then the purported grant
71 of rulemaking authority and any rule so proposed and contained in the order of
72 rulemaking shall be invalid and void.

73 6. The department of economic development shall provide information
74 and technical assistance, as requested by any municipality, on the requirements
75 of sections 99.800 to 99.865. Such information and technical assistance shall be
76 provided in the form of a manual, written in an easy-to-follow manner, and
77 through consultations with departmental staff.

78 7. Any municipality which fails to comply with the reporting
79 requirements provided in this section shall be prohibited from implementing any
80 new tax increment finance project for a period of no less than five years from
81 such municipality's failure to comply.

82 8. Based upon the information provided in the reports required under the
83 provisions of this section, the state auditor shall make available for public
84 inspection on the auditor's website, a searchable electronic database of such
85 municipal tax increment finance reports. All information contained within such
86 database shall be maintained for a period of no less than ten years from initial
87 posting.]

88

2 [160.375. 1. There is hereby established the "Missouri Senior Cadets
3 Program", which shall be administered by the department of elementary and
4 secondary education. The program shall encourage high school seniors to mentor
5 kindergarten through eighth grade students in their respective school districts for
6 a minimum of ten hours per week during the school year.

7 2. In order to be a mentor in the program, a student must:

8 (1) Be a Missouri resident who attends a Missouri high school;

9 (2) Possess a cumulative grade point average of at least three on a
10 four-point scale or equivalent; and

11 (3) Plan to attend college.

12 3. The department of elementary and secondary education shall
13 promulgate rules to implement this section, which shall include, but may not be
14 limited to, guidelines for school districts and mentors in the program. Any rule
15 or portion of a rule, as that term is defined in section 536.010, that is created
16 under the authority delegated in this section shall become effective only if it
17 complies with and is subject to all of the provisions of chapter 536 and, if
18 applicable, section 536.028. This section and chapter 536 are nonseverable and
19 if any of the powers vested with the general assembly pursuant to chapter 536 to
20 review, to delay the effective date, or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking authority and
22 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

23 4. The mentor shall work with the school principal, classroom teachers,
24 and other applicable school personnel in planning and implementing the
25 mentoring plan. Such mentoring may occur before, during, or after school.

26 5. If a mentor in the program successfully provides mentoring services
27 for an average of at least ten hours per week during a school year, the following
28 shall apply, subject to appropriations:

29 (1) The mentor shall receive one hour of elective class credit, which may
30 satisfy graduation requirements; and

31 (2) Should the mentor attend college with the stated intention of
32 becoming a teacher, the mentor shall be reimbursed, subject to appropriation, by
33 the department of elementary and secondary education for the costs of three
34 credit hours per semester for a total of no more than eight semesters.

35 6. There is hereby established in the state treasury a fund to be known as
36 the "Missouri Senior Cadets Fund", which shall consist of all moneys that may
37 be appropriated to it by the general assembly, and in addition may include any
38 gifts, contributions, grants, or bequests received from federal, state, private, or
39 other sources. The fund shall be administered by the department of elementary
40 and secondary education. The state treasurer shall be custodian of the fund and
41 may approve disbursements from the fund in accordance with sections 30.170
42 and 30.180. Upon appropriation, moneys in the fund shall be used solely for the
43 administration of the Missouri senior cadets program. Notwithstanding the
44 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

45 fund. The state treasurer shall invest moneys in the fund in the same manner as
46 other funds are invested. Any interest and moneys earned on such investments
47 shall be credited to the fund.

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

49 (1) Any new program authorized under this section shall automatically
50 sunset six years after August 28, 2009, unless reauthorized by an act of the
51 general assembly; and

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

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

58

2 [160.542. 1. There is hereby established within the department of
3 elementary and secondary education, the "Research-based Reform Program", to
4 be administered by the commissioner of education. The program shall consist of
5 grant awards made to public schools from funds appropriated by the general
6 assembly, demonstrating a commitment to undertake whole-school reforms that
7 research has shown to be effective in improving student performance and
8 sustaining measurable improvement after implementation. Grants shall require
9 a matching contribution from the school district in which the school is located
10 and shall run for up to three years. Funding for the second year shall be
11 contingent upon each school's performance in setting up the chosen program, and
12 funding for the third year shall be contingent upon second-year performance.

13 2. The state board of education shall promulgate rules for the initial
14 approval, second- and third-year funding of grants made under the program. The
15 rules shall contain a method for determining the amount of the matching funds
16 required from the district in which the grantee school is located. Such rules shall
17 include a list of research-based reform programs that the state board of education
18 determines can be reliably replicated under urban, suburban and rural conditions.
19 The list shall be coordinated with the federal Comprehensive School Reform
20 Initiative to enable Missouri schools to be eligible for the moneys made available
21 by the federal program. The department shall develop a method to evaluate the
22 effectiveness of each school's implementation of the chosen research-based
23 program for purposes of granting or denying second-year funding.

24 3. The grant program shall provide sufficient technical assistance to
25 ensure that small schools that lack personnel with expertise in applying for grants
26 are not prevented from applying. Added priority shall be given to schools which
27 have been designated as academically deficient pursuant to section 160.538.
28 Added priority shall be given to groups of schools that form consortia for the
29 purpose of applying for the grant funds as a means of encouraging schools in
isolated areas to participate. However, nothing in this subsection shall be

30 construed as prohibiting consortia in more densely populated areas of the state
 31 from seeking such priority on grants under this program.

32 4. The commissioner of education shall develop a procedure for
 33 evaluating the effectiveness of the program described in this section. Such
 34 evaluation shall be conducted annually with the results of the evaluation provided
 35 to the governor, the speaker of the house of representatives and the president pro
 36 tempore of the senate.

37 5. No rule or portion of a rule promulgated pursuant to the authority of
 38 this section shall become effective unless it has been promulgated pursuant to the
 39 provisions of chapter 536.]
 40

2 [160.950. 1. There is hereby created in the state treasury the "Persistence
 3 to Graduation Fund", which shall consist of money collected under this section.
 4 The state treasurer shall be custodian of the fund and may approve disbursements
 5 from the fund in accordance with sections 30.170 and 30.180. Upon
 6 appropriation, money in the fund shall be used solely for the administration of
 7 this section. Any moneys remaining in the fund at the end of the biennium shall
 8 revert to the credit of the general revenue fund. The state treasurer shall invest
 9 moneys in the fund in the same manner as other funds are invested. Any interest
 10 and moneys earned on such investments shall be credited to the fund. The fund
 11 shall be administered by the department of elementary and secondary education.

12 2. The department of elementary and secondary education shall establish
 13 a procedure whereby seven-director, urban, and metropolitan school districts may
 14 apply for grant awards from the persistence to graduation fund in order for such
 15 districts to implement drop-out prevention strategies. Successful applicants
 16 under this section shall be awarded grants for one to five consecutive years.
 17 Upon expiration of the initial grant, the district may reapply for an extension of
 18 the grant award for a period of time deemed appropriate by both the district and
 19 the department. The department of elementary and secondary education shall
 20 give preference to school districts that propose a holistic approach to drop-out
 21 prevention, directed at a broad array of students, from the pre-kindergarten level
 22 through early adulthood, including the following characteristics:

23 (1) A collaborative approach between the school district and various
 24 community organizations, including nonprofit organizations, local governmental
 25 organizations, law enforcement agencies, approved public institutions and
 26 approved private institutions as such terms are defined in section 173.1102, and
 27 institutions able to deliver proven, research-based intervention services;

28 (2) Early intervention strategies, including family engagement, early
 29 childhood education, early literacy development, family literacy, and mental
 30 health detection and treatment;

31 (3) Increased accountability measures that track at-risk students that leave
 32 the district;

33 (4) The implementation or augmentation of the following basic core
 strategies for drop-out prevention:

- 34 (a) Mentoring;
- 35 (b) Tutoring;
- 36 (c) Alternative schooling;
- 37 (d) Career and technical education; and
- 38 (e) Before- or after-school programs;
- 39 (5) The implementation of early intervention strategies for students who
- 40 display strong indicators that they will not persist to graduation.

41 3. Subject to appropriation, grants awarded under this section shall be

42 available to school districts that have a student population of which sixty percent

43 or greater is eligible for a free and reduced lunch on the last Wednesday in

44 January for the preceding school year who were enrolled as students of the

45 district, as approved by the department of elementary and secondary education

46 in accordance with applicable federal regulations.

47 4. The department of elementary and secondary education shall

48 promulgate rules, no later than January 15, 2010, for the implementation of this

49 section, including:

50 (1) A procedure by which funds shall be allocated to the applying school

51 districts; and

52 (2) A means to judge the effectiveness of the drop-out prevention

53 programs of the districts that receive grants under this program. Any rule or

54 portion of a rule, as that term is defined in section 536.010, that is created under

55 the authority delegated in this section shall become effective only if it complies

56 with and is subject to all of the provisions of chapter 536 and, if applicable,

57 section 536.028. This section and chapter 536 are nonseverable and if any of the

58 powers vested with the general assembly pursuant to chapter 536 to review, to

59 delay the effective date, or to disapprove and annul a rule are subsequently held

60 unconstitutional, then the grant of rulemaking authority and any rule proposed or

61 adopted after August 28, 2009, shall be invalid and void.

62 5. The department of elementary and secondary education may cease

63 award payments to any district at any time if the department determines that such

64 funds are being misused or if the district's drop-out prevention program is

65 deemed to be ineffectual. Any decision to discontinue payments of such funds

66 shall be presented to the applicable district in writing at least thirty days prior to

67 the cessation of fund payments.

68 6. The department of elementary and secondary education shall report to

69 the general assembly and to the governor, no later than January fifteenth

70 annually:

71 (1) The recipients and amounts of the grants awarded under this section;

72 and

73 (2) The persistence to graduation data from the preceding five years for

74 each district awarded grants under this section.

75 7. Subject to appropriation, the general assembly shall annually

76 appropriate an amount sufficient to fund the provisions of this section.

77 8. Pursuant to section 23.253 of the Missouri sunset act:

78 (1) The provisions of the new program authorized under this section shall
79 sunset automatically six years after August 28, 2009, unless reauthorized by an
80 act of the general assembly; and

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

84 (3) This section shall terminate on September first of the calendar year
85 immediately following the calendar year in which the program authorized under
86 this section is sunset.]
87

2 [161.182. 1. The state board of education shall enter into an agreement
3 on behalf of the state with the Secretary of the United States Department of
4 Health, Education and Welfare to carry out the provisions of the Federal Social
5 Security Act, as amended, (42 U.S.C.A. 301 et seq.) relating to the making of
6 determinations of disability under such act.

7 2. All moneys paid by the federal government to the state to carry out the
8 agreement referred to in subsection 1 shall be deposited in the state treasury to
9 the credit of a special fund to be known as the "Disability Freeze Fund", which
10 is hereby created. All moneys in the fund shall be disbursed on warrants issued
11 in accordance with requisitions of the state board of education.]

2 [161.235. 1. Beginning July 1, 2001, the department of elementary and
3 secondary education shall provide a four-year competitive grant program to fund,
4 or defray the cost of, establishment or expansion of student suicide prevention
5 programs. Such programs may also include teacher and administrator training in
6 suicide prevention programs. Such programs may be operated at the district or
7 building level and, if operated, shall be operated at a public elementary or
8 secondary school of this state.

9 2. Prior to July 1, 2001, the department of elementary and secondary
10 education shall promulgate rules including but not limited to eligibility criteria,
11 how applicant priority is established, the manner in which grant funds may or
12 may not be used, proposed methods and documents of cooperation with the host
13 school or school district in the case of nonschool applicants pursuant to
14 subsection 3 of this section, and the form of grant applications.

15 3. Grants for the establishment or expansion of student suicide
16 prevention programs may be applied for by either public schools, school districts,
17 political subdivisions, corporations registered pursuant to the laws of this state,
18 partnerships registered pursuant to the laws of this state or not-for-profit
19 corporations as that term is defined in Section 501(c)(3) of the Internal Revenue
20 Code of 1986, as amended. In the case of applicants other than schools or school
21 districts, such applicants shall accompany the grant application with a document
22 of cooperation, approved by the department and signed by either the principal of
a public school or by the superintendent of a school district, stating that the

23 school or district shall furnish space and time for such program and stating the
 24 manner in which such program will be made available to its students.

25 4. In its grant application the school, school district, political subdivision,
 26 corporation, partnership or not-for-profit corporation shall describe any current
 27 or any proposed suicide prevention program, show a need for an improved
 28 suicide prevention program in the case of an existing program, and explain how
 29 it proposes to implement or improve its program with grant funds.

30 5. The grantee pursuant to this section shall make a report on its suicide
 31 prevention program after the second year of the grant to receive funds for years
 32 three and four. As part of the mid-grant progress report, the grantee shall report
 33 the progress of the program's development, as evidenced by the program's
 34 compliance with the original stated goals of the program. The department shall
 35 develop rules to determine compliance pursuant to this subsection, allowing for
 36 flexibility in application to varying grant projects but supplying rigorous
 37 standards so that compliance is measurable and meaningful in the context of the
 38 individual grant project.

39 6. Grants are renewable for an additional four-year term, based in part
 40 upon the results of the first grant.

41 7. Grants shall be distributed in equal amounts within geographic areas
 42 established proportionately based upon student population; provided that, funds
 43 may be reallocated by the department if an area has insufficient applications or
 44 insufficient eligible applications to obligate all funds for the area.

45 8. Any rule or portion of a rule, as that term is defined in section 536.010,
 46 that is created under the authority delegated in this section shall become effective
 47 only if it complies with and is subject to all of the provisions of chapter 536 and,
 48 if applicable, section 536.028. This section and chapter 536 are nonseverable and
 49 if any of the powers vested with the general assembly pursuant to chapter 536 to
 50 review, to delay the effective date or to disapprove and annul a rule are
 51 subsequently held unconstitutional, then the grant of rulemaking authority and
 52 any rule proposed or adopted after August 28, 2000, shall be invalid and void.]
 53

2 [161.800. 1. This section establishes a program for public elementary
 3 and secondary schools to increase volunteer and parental involvement. The
 4 program shall be known and may be cited as the "Volunteer and Parents Incentive
 5 Program". The department of elementary and secondary education shall
 6 implement and administer the program.

7 2. For purposes of this section, the following terms shall mean:

8 (1) "At-risk student":

9 (a) A student who is still of school age but whose continued education
 10 is in jeopardy because the student is experiencing academic deficits, including
 11 but not limited to:

12 a. Being one or more years behind their age or grade level in mathematics
 13 or reading skills through eighth grade or three or more credits behind in the
 number of credits toward graduation from the ninth grade through twelfth grade;

- 14 b. Having low scores on tests of academic achievement and scholastic
15 aptitude;
- 16 c. Having low grades and academic deficiencies;
- 17 d. Having a history of failure and being held back in school;
- 18 e. Having language problems or being from a non-English speaking
19 home; or
- 20 f. Not having access to appropriate educational programs.
- 21 (b) A student may also be considered "at risk" if the student has any of
22 the following:
- 23 a. A parent or sibling who dropped out of school;
- 24 b. Experienced numerous family relocations;
- 25 c. Poor social adjustment, or deviant social behavior;
- 26 d. Employment of more than twenty hours per week while school is in
27 session;
- 28 e. Been the victim of racial or ethnic prejudice;
- 29 f. Low self-esteem and expectations of teachers, parents, and the
30 community;
- 31 g. A poorly educated mother or father;
- 32 h. Children of their own;
- 33 i. A deprived environment that slows economic and social development;
- 34 j. A fatherless home;
- 35 k. Been the victim of personal or family abuse, including substance
36 abuse, emotional abuse, and sexual abuse;
- 37 (2) "Department", the department of elementary and secondary education;
- 38 (3) "Institution of higher education", a four year college or university
39 located in the state of Missouri;
- 40 (4) "Program", the volunteer and parents incentive program;
- 41 (5) "Qualifying public school", a school located in Missouri that:
- 42 (a) Is located in a school district that has been classified by the state
43 board of education as unaccredited or provisionally accredited; or
- 44 (b) Has a student population of more than fifty percent at-risk students.
- 45 3. The department shall, subject to appropriation, provide a
46 reimbursement to parents or volunteers who donate time at a qualifying public
47 school. For every one hundred hours that a parent or volunteer donates to a
48 qualifying public school, the department shall provide a reimbursement of up to
49 five hundred dollars towards the cost of three credit hours of education from a
50 public institution of higher education located in Missouri. The reimbursement
51 shall occur after completion of the three credit hours of education. The
52 reimbursement amount shall not exceed five hundred dollars every two years.
- 53 4. A school district that participates in the program shall verify to the
54 department the time donated by a parent or volunteer.
- 55 5. If a school district that participates in the program becomes classified
56 as accredited by the state board of education, the school district may continue to
57 participate in the program for an additional two years.

58 6. The department of elementary and secondary education shall
59 promulgate rules and regulations to implement this section. Any rule or portion
60 of a rule, as that term is defined in section 536.010, that is created under the
61 authority delegated in this section shall become effective only if it complies with
62 and is subject to all of the provisions of chapter 536 and, if applicable, section
63 536.028. This section and chapter 536 are nonseverable and if any of the powers
64 vested with the general assembly pursuant to chapter 536 to review, to delay the
65 effective date, or to disapprove and annul a rule are subsequently held
66 unconstitutional, then the grant of rulemaking authority and any rule proposed or
67 adopted after August 28, 2009, shall be invalid and void.

68 7. There is hereby created in the state treasury the "Volunteer and Parents
69 Incentive Program Fund", which shall consist of general revenue appropriated to
70 the program, funds received from the federal government, and voluntary
71 contributions to support or match program activities. The state treasurer shall be
72 custodian of the fund and may approve disbursements from the fund in
73 accordance with sections 30.170 and 30.180. Upon appropriation, money in the
74 fund shall be used solely for the administration of the volunteer and parents
75 incentive program. Notwithstanding the provisions of section 33.080 to the
76 contrary, any moneys remaining in the fund at the end of the biennium shall not
77 revert to the credit of the general revenue fund. The state treasurer shall invest
78 moneys in the fund in the same manner as other funds are invested. Any interest
79 and moneys earned on such investments shall be credited to the fund.

80 8. Pursuant to section 23.253 of the Missouri sunset act:

81 (1) The provisions of the new program authorized under this section shall
82 automatically sunset six years after August 28, 2009, unless reauthorized by an
83 act of the general assembly; and

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

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

90

2 [162.1010. 1. By July 1, 1995, the state board of education shall have
3 determined and implemented a process to pilot test a revised management system
4 involving three school sites in the state. To be called "The New Schools Pilot
5 Project", the board shall solicit volunteering school districts that will commit to
6 participating in the project for a five-year period.

7 2. (1) At each of the three school sites in the project, the management of
8 the school shall be vested in a five-member management team selected from bids
9 received by a local board of education, or by a combination of cooperating local
10 boards of education as stipulated by contract agreement between or among such
11 local boards. In the selection of the management team, technical assistance may
be provided to the local school board or boards, as requested, by the department

12 of elementary and secondary education. The provisions of other law to the
13 contrary notwithstanding, the state board of education may exempt from
14 certification requirements not more than two members of the management team.
15 One member of the five-member management team shall be designated as
16 principal of the project school.

17 (2) No bid shall be selected which is submitted by a for-profit
18 corporation. The percent of the school budget allocated for administrative
19 purposes shall not exceed the average percent spent for administrative purposes
20 for the most recently completed school year at other schools operated by the local
21 school board or boards. No member of the management team shall profit in any
22 way from the project other than from salaries received which shall be outlined in
23 each bid submitted.

24 (3) Using the assessment system established under section 160.518 or
25 until such assessment system is available, using the alternative indicators
26 approved under the provisions of subsection 3 of section 160.518, the state board
27 of education shall make every attempt when selecting schools for participation
28 in this project to select one school which is performing above average, one school
29 which is performing at the average and one school which is performing below
30 average. Under no circumstances shall more than two schools be chosen from
31 any one of the above categories.

32 3. Staffing and personnel decisions for the schools in the project shall be
33 vested in the management teams for the duration of the project; provided that all
34 certificated staff shall be paid according to the salary schedule adopted by the
35 district. All laws concerning teacher contracts shall apply.

36 4. No penalty provided for in, or pursuant to, section 160.538 and section
37 163.023 shall apply for any school participating in the project.

38 5. The state board of education shall waive, for participating schools,
39 such rules and regulations as it may determine.

40 6. The commissioner of education shall develop a procedure for the
41 evaluation of the new schools pilot project, including recommended means for
42 expanding desirable elements of the project to other school districts in the state.]
43

2 [162.1168. 1. There is hereby established a pilot program within the
3 Missouri preschool project to be known as the "Missouri Preschool Plus Grant
4 Program", which shall serve up to one thousand two hundred fifty students with
5 high-quality early childhood educational services in order to improve school
6 readiness outcomes. The program shall be administered by the department of
7 elementary and secondary education in collaboration with the coordinating board
8 for early childhood. Grants shall be awarded in this section for three years and
9 shall be renewable. The program shall be funded through appropriations to the
10 Missouri preschool plus grant program fund. Funds from the gaming
11 commission fund created in section 313.835 shall not be used to fund the
12 program.

2. For purposes of this section, the following terms shall mean:

- 13 (1) "Department", the department of elementary and secondary education;
14 (2) "Program", the Missouri preschool plus grant program.
- 15 3. Grantees shall include the following:
- 16 (1) School districts classified as unaccredited by the state board of
17 education; or
- 18 (2) Nonsectarian community-based organizations located within a school
19 district classified as unaccredited by the state board of education.
- 20 4. If a school district becomes classified as provisionally accredited or
21 accredited by the state board of education, the school district may complete the
22 length of an existing grant and shall be eligible for one additional renewal for
23 three years.
- 24 5. To receive a preschool placement under this section, a child shall be
25 one or two years away from kindergarten entry.
- 26 6. The Missouri preschool plus grant program shall comply with the
27 standards developed under section 161.213. Public school grantees shall employ
28 teachers with a bachelor's degree. Nonsectarian community-based organizations
29 may employ teachers with at least an associate's degree provided such teachers
30 demonstrate they are on the path to obtaining a bachelor's degree within five
31 years.
- 32 7. Families with incomes less than one hundred thirty percent of the
33 federal poverty guidelines shall receive free services through eligible grantees.
34 Families with incomes at or above one hundred thirty percent of the federal
35 poverty guidelines may be charged a co-pay on a sliding scale, as established by
36 the department.
- 37 8. At least fifty percent of the preschool placements funded by the
38 program shall be offered through nonsectarian community-based organizations.
39
- 40 9. The department shall develop standards for teacher-pupil ratios,
41 classroom size, teacher training and educational attainment, and curriculum.
- 42 10. Grantees participating in the program shall give admission preference
43 to dependents of active duty military personnel.
- 44 11. School districts in which such pilot programs exist shall collect data
45 about short-term and long-term student performance so that the program may be
46 evaluated on quantitative measurements developed by the department. For
47 purposes of this subsection, "long-term" shall mean from point of entry to
48 graduation from high school.
- 49 12. Grantees shall coordinate preschool programs with the nearest parents
50 as teachers site to ensure a continuum of care.
- 51 13. The department shall accept applications in a competitive bid process
52 to begin implementation of the program for the 2010-11 school year.
- 53 14. The department shall promulgate rules and regulations necessary to
54 implement this section by January 1, 2010. Any rule or portion of a rule, as that
55 term is defined in section 536.010, that is created under the authority delegated
56 in this section shall become effective only if it complies with and is subject to all

57 of the provisions of chapter 536 and, if applicable, section 536.028. This section
 58 and chapter 536 are nonseverable and if any of the powers vested with the general
 59 assembly pursuant to chapter 536 to review, to delay the effective date, or to
 60 disapprove and annul a rule are subsequently held unconstitutional, then the grant
 61 of rulemaking authority and any rule proposed or adopted after August 28, 2009,
 62 shall be invalid and void.

63 15. The grants awarded under this section are subject to appropriation.

64 16. There is hereby created in the state treasury the "Missouri Preschool
 65 Plus Grant Program Fund" which shall consist of general revenue appropriated
 66 to the program, funds received from the federal government, and voluntary
 67 contributions to support or match program activities. The state treasurer shall be
 68 custodian of the fund and may approve disbursements from the fund in
 69 accordance with sections 30.170 and 30.180. Upon appropriation, money in the
 70 fund shall be used solely for the administration of this section. Any moneys
 71 remaining in the fund at the end of the biennium shall revert to the credit of the
 72 general revenue fund. The state treasurer shall invest moneys in the fund in the
 73 same manner as other funds are invested. Any interest and moneys earned on
 74 such investments shall be credited to the fund.

75 17. Pursuant to section 23.253 of the Missouri sunset act:

76 (1) The provisions of the new program authorized under this section shall
 77 automatically sunset six years after August 28, 2009, unless reauthorized by an
 78 act of the general assembly; and

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

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

85

2 [164.303. There is hereby established in the state treasury the "School
 3 District Bond Fund". Such amounts as may be necessary to fund the annual
 4 requests submitted by the health and educational facilities authority to fund the
 5 payment of costs and grants as provided in subsection 7 of section 360.106 and
 6 sections 360.111 to 360.118 and necessary costs for administration of those
 7 provisions, but not to exceed seven million dollars per year, shall be transferred
 8 by appropriation to the fund from the gaming proceeds for education fund before
 9 any amounts in the gaming proceeds for education fund are transferred to the
 10 classroom trust fund, as provided in section 160.534. Moneys deposited in the
 11 school district bond fund shall be used by the health and educational facilities
 12 authority, subject to appropriation, to fund the payment of costs and grants as
 13 provided in subsection 7 of section 360.106 and sections 360.111 to 360.118 and
 14 necessary costs for administration of those provisions. Notwithstanding the
 15 provisions of section 33.080 to the contrary, moneys in the fund shall not be
 transferred to the credit of the general revenue fund at the end of each biennium.]

2 [167.229. 1. The department of elementary and secondary education
3 shall establish a "Model School Wellness Program", and any moneys
4 appropriated, other than general revenue, by the general assembly for this
5 program shall be used by selected school districts to establish school-based pilot
6 programs that focus on encouraging students to establish and maintain healthy
7 lifestyles. The moneys appropriated shall be from the Child Nutrition and WIC
8 Reauthorization federal grant money. These programs shall include tobacco
9 prevention education and the promotion of balanced dietary patterns and physical
10 activity to prevent becoming overweight or obese, and discussion of serious and
11 chronic medical conditions that are associated with being overweight. The
12 content of these programs shall address state and national standards and
13 guidelines established by the No Child Left Behind Act, the Healthy People 2010
14 Leading Health Indicators as compiled by the National Center for Health
15 Statistics, and the Produce for Better Health Foundation's "5 A Day, The Color
Way" program.

16 2. School districts may apply for one-year grants for school year 2005-06
17 under this section. The department shall establish selection criteria and methods
18 for distribution of funds to school districts applying for such funds. The
19 department shall promulgate rules to implement the provisions of this section.

20 3. A school district that receives a grant under this section shall use the
21 funds to plan and implement the program in a diverse sampling of schools in each
22 district. The programs shall address students' academic success as well as health
23 concerns, and encourage links between the school and home settings to promote
24 active healthy lifestyles across the students' learning environments. The tobacco
25 prevention initiative shall focus on grades four and five to target students before
26 they transition into middle grades. The obesity prevention programs will cover
27 sequential wellness education across grades kindergarten through fifth grades.
28 These programs shall:

29 (1) Be multidisciplinary, addressing academic standards in language arts,
30 math, and health;

31 (2) Provide multimedia resources that engage the students;

32 (3) Be evidence-based showing successful implementation including
33 positive changes in desired outcomes, such as changes in body mass index or
34 attitudes towards tobacco use;

35 (4) Be able to be integrated into the core classroom at the elementary
36 level; and

37 (5) Be sustainable and provide open web-based resources to teachers and
38 students across Missouri.

39 4. Hands-on professional development opportunities shall be provided
40 in local districts for the teachers who will be implementing the program.
41 Ongoing support shall be provided to the teachers and schools during the pilot
42 period.

43 5. Following the completion of the 2005-06 school year, the department
44 shall evaluate the effectiveness of the model school wellness program in

45 increasing knowledge, changing body mass index, improving attitudes and
 46 behaviors of students related to nutrition, physical activity, or tobacco use.

47 6. Any rule or portion of a rule, as that term is defined in section 536.010,
 48 that is created under the authority delegated in this section shall become effective
 49 only if it complies with and is subject to all of the provisions of chapter 536 and,
 50 if applicable, section 536.028. This section and chapter 536 are nonseverable and
 51 if any of the powers vested with the general assembly pursuant to chapter 536 to
 52 review, to delay the effective date, or to disapprove and annul a rule are
 53 subsequently held unconstitutional, then the grant of rulemaking authority and
 54 any rule proposed or adopted after August 28, 2005, shall be invalid and void.

55 7. Pursuant to section 23.353 of the Missouri sunset act:

56 (1) The provisions of this section shall automatically sunset six years
 57 after August 28, 2005, unless reauthorized by an act of the general assembly; and

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

61 (3) This section shall terminate on September 1 of the calendar year
 62 immediately following the calendar year in which the program authorized under
 63 this section is sunset.]

64

2 [167.290. Sections 167.290 to 167.310 may be cited as the "Extended
 3 Day Child Care Program Act".]

3

2 [167.292. As used in sections 167.290 to 167.310, unless the context
 clearly requires otherwise, the following terms shall mean:

3

4 (1) "Board", the state board of education;
 5 (2) "Contribution", a facility, personnel, transportation, or supplies that
 are to be used in operating the program;

6

7 (3) "District", a seven-director, urban, or metropolitan school district;

8

9 (4) "Facility", a school building or other building owned by the school
 district in which an extended day child care program is operated;

10

11 (5) "Fund", the extended day child care fund established according to
 section 167.296; and

12

13 (6) "Program", the extended day child care program established
 according to sections 167.290 to 167.310]

13

2 [167.294. 1. The extended day child care program is established to assist
 3 any district in establishing before and after school child care programs for school
 4 age children who are enrolled in the district and who are between the ages of five
 5 and fourteen years and child care programs during school hours for children of
 6 students. A district may establish such a program directly or through contract
 with any not-for-profit corporation.

- 7 2. The general assembly may make an annual appropriation to the fund
- 8 established under section 167.296 for the purpose of providing the state's portion
- 9 for the grants to the program.
- 10 3. The program shall be administered by the state board of education
- 11 according to the provisions of sections 167.290 to 167.310.]
- 12

[167.296. 1. The "Extended Day Child Care Fund" is established in the state treasury and shall be administered by the department of elementary and secondary education at the direction of the state board of education. The fund shall consist of moneys appropriated annually by the general assembly from general revenue to the fund and any moneys paid into the state treasury and required by law to be credited to the fund.

- 7 2. Moneys in the fund shall be used for grants to districts to provide
- 8 extended day child care programs according to the provisions of sections 167.290
- 9 to 167.310.
- 10 3. Expenses of the department of elementary and secondary education in
- 11 administering the program shall be paid from the fund.
- 12 4. Any unexpended balance in the fund at the end of each fiscal year shall
- 13 be exempt from the provisions of section 33.080 relating to the transfer of
- 14 unexpended balances to the general revenue fund.]
- 15

[167.298. 1. The board may promulgate all necessary rules and regulations for the implementation of sections 167.290 to 167.310, which may include, but need not be limited to, specifying:

- 4 (1) Standards for the hiring of staff for an extended day child care
- 5 program or for the contracting by the district with a not-for-profit corporation for
- 6 the establishment of such a program;
- 7 (2) Cost and expense standards for the establishment and operation of
- 8 extended day child care programs within school facilities under various economic
- 9 conditions;
- 10 (3) Fee schedule guidelines which reflect various economic conditions
- 11 for use by programs that are operating under a grant from the fund;
- 12 (4) Minimum staff to child ratios for an extended day child care program;
- 13 (5) Physical space requirements for a program, including indoor and
- 14 outdoor space;
- 15 (6) Nutrition requirements for a program;
- 16 (7) Standards for the provisions of emergency health services in a
- 17 program;
- 18 (8) Application guidelines and deadlines; and
- 19 (9) A method for establishing priority of applicants in the event the
- 20 number of districts applying for grants exceeds the funds available for
- 21 distribution in any fiscal year.

22 2. No rule or portion of a rule promulgated under the authority of this
 23 chapter shall become effective unless it has been promulgated pursuant to the
 24 provisions of section 536.024.]
 25

2 [167.300. 1. A district wishing to apply for a grant from the fund shall
 3 apply to the state board of education in the manner prescribed by the board and
 4 shall provide the necessary matching contribution as required by the board.

5 2. A district that receives a grant in any fiscal year and wishes to receive
 6 a grant in the succeeding year must reapply in the manner prescribed by the
 7 board. Such application shall be considered by the board only for the expansion
 8 of services.

9 3. A district that receives a grant from the fund to establish a program
 10 through contract with a not-for-profit corporation shall ensure that such a
 11 corporation meets all of the requirements of sections 167.290 to 167.310.]

2 [167.302. 1. The board shall make grants from the fund to approved
 3 districts for the establishment or expansion of an extended day child care
 4 program. The amount of each grant awarded by the board for establishment or
 5 expansion of a program shall not exceed the monetary value of the approved
 6 applicant's contribution.

7 2. In awarding grants, the board shall ensure an adequate distribution to
 8 metropolitan, urban and seven-director districts and according to geographic
 9 location throughout the state.]

2 [167.304. 1. The board may approve a grant from the fund to a district
 3 if the district demonstrates to the board that it can:

4 (1) Provide a physical environment that is safe and appropriate to the
 5 various age levels of the children to be served;

6 (2) If necessary, provide transportation to and from a school or schools
 7 to the facility operated by the applicant;

8 (3) Provide program activities that are appropriate to the various age
 9 levels of the children to be served and that meet the developmental needs of each
 10 child;

11 (4) Provide efficient and effective program administration;

12 (5) Provide staff that meets the standards set by the board;

13 (6) Provide for nutritional needs of children enrolled in the program;

14 (7) Provide emergency health care services to children served by the
 15 program; and

16 (8) Operate an extended day child care program in accordance with the
 17 cost and expense standards set by the board.

18 2. No district operating an extended day child care program directly or
 19 through contract with a not-for-profit corporation shall be required to meet any
 standards except those of the state board of education promulgated according to

20 sections 167.290 to 167.310. A district may voluntarily meet state day care
21 provider licensing requirements promulgated under chapter 210.]

22

[167.306. 1. The board may not approve a grant from the fund to a
2 district unless the district agrees to adopt the following program enrollment
3 priorities:

4 (1) First priority shall be given to programs for children in grades
5 kindergarten through three;

6 (2) Second priority shall be given to programs for children in grades four
7 through six; and

8 (3) Third priority shall be given to programs for children in grades seven
9 through nine.

10 2. The board shall not approve a grant from the fund to a district unless
11 the district agrees to adopt fee schedule guidelines set by the board under
12 167.298, except as provided in this section.

13 3. A district shall charge a parent or guardian an established fee for the
14 enrollment of a child in an extended day child care program. A parent or
15 guardian, who believes his or her income is insufficient to afford the district's
16 established fee, may apply to the district for a waiver of all or part of the fee. A
17 district, at its discretion, may waive all or part of the enrollment fee for a child
18 whose family income is insufficient to afford the established fee. In waiving all
19 or part of such fees, the district shall give due consideration to the provisions of
20 section 167.310.]

21

[167.308. No district applying for funds under sections 167.290 to
2 167.310 shall require as a condition of employment that any full-time certificated
3 personnel of the district must participate in any way in the operation of an
4 extended day child care program in the district. No full-time certificated
5 personnel employed in a district operating an extended day child care program
6 shall be prohibited from seeking employment in such a program. Such
7 requirement or prohibition shall be grounds for disapproving an application.]

8

[167.310. A district's extended day child care program shall be
2 self-supporting. The district may use as funds to support its program state aid
3 received according to sections 167.290 to 167.310; fees charged to parents and
4 guardians, except as waived according to section 167.306; gifts, grants or other
5 bequests from private sources received for the purposes of sections 167.290 to
6 167.310; any federal or local government aid appropriated for the purposes of
7 sections 167.290 to 167.310; or local district revenues. No district may use for
8 matching funds for participation in this program or for the operation of an
9 extended day child care program any state aid received for any other purpose, nor
10 shall a district use moneys in the teachers' fund for the payment of salaries to
11 personnel employed in an extended day child care program.]

12

2 [167.320. 1. Sections 167.320 to 167.332 shall be known and may be
3 cited as the "Alternative Education Act".

4 2. As used in sections 167.320 to 167.332, "area vocational learning
5 center" means a location or locations within a district that has state board of
6 education designation as an area vocational school district.]

2 [167.322. There is hereby created and established, subject to the
3 availability of appropriations made for that purpose, a system of alternative
4 education for Missouri citizens who qualify under sections 167.320 to 167.332.
5 This system of alternative education shall be available to any citizen of Missouri
6 who:

7 (1) Is currently a student in a school system of Missouri and is
8 experiencing difficulty in academic, disciplinary, social, economic, or other areas
9 relating to the student's ability to become a productive member of the work force
10 after graduation, and is identified by the resident's district as a potential dropout;
11 or

12 (2) Is currently of an age to qualify for public school enrollment but has
13 dropped out of school and is willing to reenroll in his resident district for the
14 purpose of attending alternative education classes; or

15 (3) Is a graduate of high school or holds an equivalent diploma and is
16 experiencing difficulty in finding a job or sustaining employment or who wishes
17 to further his vocational training; or

18 (4) Does not have a high school diploma or an equivalent diploma and
19 who is experiencing difficulty in finding a job or sustaining employment or who
20 wishes to further his vocational training.]

2 [167.324. 1. Area vocational learning centers shall, in addition to any
3 services currently being provided, provide extended day services for three hours
4 during the evening or other times convenient to the qualifying student for the
5 purpose of furnishing alternative education to those who qualify under sections
6 167.320 to 167.332 and enroll in such services.

7 2. Area vocational learning centers shall be responsible for providing
8 academic and vocational assessment, which may include, but is not limited to,
9 use of the Lindamood Auditory Conceptualization Test and Auditory
10 Discrimination in Depth Program, of those persons who are eligible for
11 alternative education services under sections 167.320 to 167.332. Area
12 vocational centers shall also provide career awareness programs and individual
13 and small group counseling.

14 3. Basic skills instruction, which may include, but is not limited to, the
15 use of the Lindamood Auditory Conceptualization Test and Auditory
16 Discrimination in Depth Program, may be provided by the area vocational
17 learning centers for students on an individual or small group basis to ensure
success in the student's chosen educational or vocational program.

18 4. Area vocational learning centers may provide extended services to
 19 students enrolled in the alternative education program, including assistance in
 20 securing employment or continuing education.]
 21

2 [167.326. Transportation to and from the resident's school to the area
 3 vocational learning center may be provided by the resident school district and
 4 claimed as an allowable reimbursement as otherwise provided by law.]

2 [167.328. 1. A student who qualifies for alternative education under
 3 section 167.322 and is currently of an age that qualifies him for enrollment in a
 4 public school may attend his traditional high school for a portion of the day based
 5 upon his individual needs and educational plan.

6 2. A student enrolled in the alternative education program may attend an
 7 area vocational learning center on a full- or part-time basis.]

2 [167.330. An alternative education program class shall be composed as
 3 nearly as practicable of twenty students during regular school hours and twenty
 4 students during evening or extended hours. Classes shall be offered during the
 5 regular school hours and classes for evening or extended hours may be for three
 6 hours.]

2 [167.332. 1. The department of elementary and secondary education
 3 shall evaluate each alternative education plan and assess the needs of each area
 4 vocational learning center. Each area vocational learning center shall submit
 5 annually to the department of elementary and secondary education a detailed
 6 instruction plan for the implementation and continuation of the area learning
 7 center. For the purposes of receiving state aid pursuant to section 163.031, the
 8 resident district shall count students who qualify under sections 167.320 to
 9 167.332. A student shall be counted for the period of time he attends the area
 10 learning center to a maximum of six hours per day, even if the hours of
 11 attendance are not within the schedule of the resident district. Additional state
 12 and federal funds appropriated by the general assembly shall be awarded to the
 13 area learning centers as determined by the department of elementary and
 14 secondary education based upon each area learning center's needs and on the
 15 level of the appropriation.

16 2. Updated instructional plans and year-end student reports shall be
 17 required annually from the area vocational learning centers and shall be a
 18 condition for additional funding. New area vocational learning centers shall be
 19 funded on a priority basis determined by the potential to be served and the
 20 community demand.]

2 [168.430. 1. The state of Missouri in an effort to improve elementary
 3 reading skills and basic student achievement in English and foreign languages,
 remedial reading, science and math hereby establishes the "Missouri Teacher

4 Corps" program to improve student achievement. The department of elementary
 5 and secondary education and the department of higher education shall work
 6 together to provide staff and facilities to establish the corps and promote its
 7 success.

8 2. The corps shall recruit fifty college seniors of graduates each year to
 9 contract to teach in designated schools for a two-year period. No recruit shall
 10 have majored in education. Each recruit shall have a bachelor's degree upon
 11 entering the corps in English, foreign language, mathematics, science, social
 12 studies or history.

13 3. The corps shall:

14 (1) Provide dedicated, talented teachers for school districts where an
 15 inadequate supply of teachers exists and has a need for student reading
 16 improvement;

17 (2) Afford a structured entry into the teaching profession for outstanding
 18 liberal arts who may have never taught;

19 (3) Identify and nurture educational leaders for the twenty-first century.

20 4. The corps shall provide, with the assistance of the state colleges and
 21 universities, an eight-week intensive training institute for the recruits to provide
 22 skills needed to assist them in teaching. Upon successful completion of
 23 certification requirements, recruits shall be assigned by the corps to public school
 24 districts on the basis of local need.

25 5. The corps shall provide members with tuition and book allowances
 26 and housing allowance for the member's pursuance of a master of arts degree in
 27 curriculum and instruction in an evenings and weekends and summer schedule
 28 for the first two years.

29 6. Corps members shall be compensated as are other teachers.

30 7. The department of elementary and secondary education may adopt
 31 rules to implement the provisions of this section.

32 8. Any rule or portion of a rule, as that term is defined in section 536.010,
 33 that is created under the authority delegated in this section shall become effective
 34 only if it complies with and is subject to all of the provisions of chapter 536 and,
 35 if applicable, section 536.028. This section and chapter 536 are nonseverable and
 36 if any of the powers vested with the general assembly pursuant to chapter 536 to
 37 review, to delay the effective date or to disapprove and annul a rule are
 38 subsequently held unconstitutional, then the grant of rulemaking authority and
 39 any rule proposed or adopted after August 28, 1999, shall be invalid and void.]
 40

2 [168.550. Sections 168.550 to 168.595 to establish a financial assistance
 3 program for prospective teachers shall be known as the "Missouri Prospective
 4 Teacher Loan Program".]

2 [168.555. As used in sections 168.555 to 168.595, unless the context
 clearly requires otherwise, the following terms shall mean:

- 3 (1) "Academic year", the period from August first of any year through
4 July thirty-first of the following year;
- 5 (2) "Area of critical need", both geographic areas and areas of teacher
6 certification as defined by the state board;
- 7 (3) "Coordinating board", the coordinating board for higher education;
- 8 (4) "Eligible student", a full-time student who has met criteria as
9 established by the state board and the coordinating board and who has been
10 accepted at a participating school and enrolled in a formal course of instruction
11 leading to qualifications necessary to obtain a teaching certificate in Missouri;
- 12 (5) "Full-time student", persons defined as full-time students in section
13 173.205;
- 14 (6) "Fund", the Missouri prospective teacher loan fund;
- 15 (7) "Loan", the Missouri prospective teacher loan;
- 16 (8) "Participating school", a public or private Missouri institution
17 offering an approved program of teacher education;
- 18 (9) "Resident", any person declared a resident under guidelines
19 established by the coordinating board for higher education;
- 20 (10) "State board", the state board of education.]
- 21

2 [168.560. The state board, with the advice of the commissioner of
3 education, shall designate areas of critical need. These designations shall be
4 issued on a regular basis and shall be reviewed on a yearly basis for the purposes
5 of continuation.]

- 2 [168.565. 1. The coordinating board shall adopt and promulgate
3 regulations establishing standards for determining eligible students for loans
4 under sections 168.550 to 168.595. These standards may include, but are not
5 limited to, the following:
- 6 (1) Citizenship or permanent residency in the United States;
- 7 (2) Residence in the state of Missouri;
- 8 (3) Enrollment, or acceptance for enrollment, as a full-time
9 undergraduate student in an approved teacher education program at a
10 participating school;
- 11 (4) Evaluation of the results of the entry-level test as established under
12 section 168.400.
- 13 2. The policy of the coordinating board shall not discriminate in the
14 awarding of loans on the basis of race, color, religion, sex or national origin. The
15 policy shall comply with the Federal Civil Rights Acts of 1964 and 1968 and
16 executive orders issued pursuant thereto. The coordinating board shall give due
17 consideration to the cultural diversity of applicants.
- 18 3. No rule or portion of a rule promulgated under the authority of this
19 chapter shall become effective unless it has been promulgated pursuant to the
20 provisions of section 536.024.]

2 [168.570. The coordinating board shall enter into a contract with each
 3 individual receiving a loan under sections 168.550 to 168.595. The coordinating
 4 board may designate a representative to act on its behalf to fulfill this duty.]

2 [168.575. For the first three years in which loans are made under sections
 3 168.550 to 168.595, no loan to an eligible student shall exceed one thousand
 4 dollars for each academic year. For the fourth and each subsequent year in which
 5 loans are made under sections 168.550 to 168.595, the coordinating board shall
 6 determine the maximum amount for loans to eligible students in each academic
 7 year. All loans shall be made from funds deposited in the fund established under
 8 section 168.580.]

2 [168.580. 1. The "Missouri Prospective Teacher Loan Fund" is
 3 established and shall consist of money appropriated to it by the general assembly
 4 and charges, gifts, grants and bequests from federal, private and other sources
 5 made for the purpose of assisting eligible students in financing their education in
 6 order to become teachers. Any unexpended balance in the fund at the end of the
 7 fiscal year shall be exempt from the provisions of section 33.080 relating to the
 8 transfer of unexpended balances to the general revenue fund.

9 2. All moneys recovered for payments shall be paid promptly into the
 10 state treasury and credited to the fund.

11 3. Moneys in the Missouri prospective teacher loan fund shall be invested
 12 by the state treasurer in the same deposits and obligations in which state funds are
 13 authorized by law to be invested; except that, the income accruing from such
 14 funds shall be credited to the Missouri prospective teacher loan fund on an annual
 15 basis.

16 4. The fund shall be administered by the department of higher education
 17 at the direction of the coordinating board.]

2 [168.585. The commissioner of higher education, acting on behalf of the
 3 coordinating board, may:

4 (1) Enter into agreements with and receive grants from the United States
 5 government in connection with federal programs of assistance to students in
 6 teacher education programs;

7 (2) Contract with public agencies or private persons or organizations for
 8 the purpose of carrying out the administrative functions imposed by sections
 9 168.550 to 168.595;

10 (3) Designate the department of higher education to receive loan
 11 applications and distribute funds;

12 (4) Call upon agencies of the state which have financial expertise for
 13 consultation and advice, and upon any agency of the state for assistance in the
 14 location of delinquent borrowers.]

2 [168.590. The coordinating board is hereby authorized to adopt
 3 regulations governing:
 4 (1) The form, time and method of filing applications;
 5 (2) The manner and time of repayment of the principal and interest;
 6 (3) The maximum rate of interest;
 7 (4) The procedures in the event of default by the borrower;
 8 (5) The deferral of interest and principal payments based upon teaching
 9 in areas of critical need as defined by the state board;
 10 (6) The forgiveness of principal and interest payments;
 11 (7) The termination of course of study following the receipt of a loan;
 12 (8) Collection assistance.]

2 [168.595. The department of revenue, within the provisions of sections
 3 143.781 to 143.788, is hereby authorized to assist in the collection of any loan in
 4 default, as so determined by the coordinating board.]

2 [168.600. 1. The Missouri critical teacher shortage forgivable loan
 3 program shall make undergraduate and graduate forgivable loans available,
 4 subject to appropriation, to eligible students entering programs of study that lead
 5 to a degree in a teaching program in a critical teacher shortage area.

6 2. To be eligible for a program loan, a candidate shall:
 7 (1) Be a full-time student in an upper division undergraduate or graduate
 8 level in a teacher training program approved by the Department of Education
 9 leading to certification as a teacher;

10 (2) Have declared an intent to teach, for at least the number of years for
 11 which a forgivable loan is received, in public elementary or secondary schools of
 12 Missouri in a critical teacher shortage area identified by the state board of
 13 education;

14 (3) If applying for or renewing an undergraduate forgivable loan, have
 15 maintained a minimum cumulative grade point average of 2.5 on a 4.0 scale for
 16 all undergraduate work;

17 (4) If applying for or renewing a graduate forgivable loan, have
 18 maintained a minimum cumulative grade point average of 3.0 on a 4.0 scale for
 19 all graduate work.

20 3. An undergraduate forgivable loan may be awarded for two
 21 undergraduate years and shall not exceed four thousand dollars per year, or for
 22 a maximum of three years for programs requiring a fifth year of instruction to
 23 obtain initial teaching certification.

24 4. A graduate forgivable loan may be awarded for two graduate years and
 25 shall not exceed eight thousand dollars per year.

26 5. The state board of education shall adopt by rule repayment schedules
 27 and applicable interest rates. A forgivable loan shall be repaid within ten years
 of completion of a program of studies.

28 6. Credit for repayment of a forgivable loan pursuant to this section shall
 29 be in an amount not to exceed four thousand dollars in loan principal plus
 30 applicable accrued interest for each full year of eligible teaching service.
 31 However, credit in an amount not to exceed eight thousand dollars in loan
 32 principal plus applicable accrued interest shall be given for each full year of
 33 eligible teaching service completed at a high population density, low-economic
 34 condition urban school or at a low population density, low-economic condition
 35 rural school, as identified by the state board of education.

36 7. Any loan recipient who fails to teach in a public elementary or
 37 secondary school in this state as specified in this section shall repay the loan plus
 38 interest accruing at eight percent annually.

39 8. Loan recipients may receive loan repayment credit for teaching service
 40 rendered at any time during the scheduled repayment period. However, such
 41 repayment credits shall be applicable only to the current principal and accrued
 42 interest balance that remains at the time the repayment credit is earned. No loan
 43 recipient shall be reimbursed for previous payments of principal and interest.

44 9. The state board of education shall work with local school districts to
 45 develop rules to implement this section.

46 10. The board is authorized to adopt those rules that are reasonable and
 47 necessary to accomplish the limited duties specifically delegated within this
 48 section. Any rule or portion of a rule, as that term is defined in section 536.010,
 49 that is promulgated under the authority delegated in this section shall become
 50 effective only if it has been promulgated pursuant to the provisions of chapter
 51 536. This section and chapter 536 are nonseverable and if any of the powers
 52 vested with the general assembly pursuant to chapter 536 to review, to delay the
 53 effective date or to disapprove and annul a rule are subsequently held
 54 unconstitutional, then the grant of rulemaking authority and any rule proposed or
 55 adopted after August 28, 1999, shall be invalid and void.]

56
 2 [169.580. Any person who served as a teacher in the public schools of
 3 this state and who retired prior to July 1, 1957, under the provisions of chapter
 4 169, shall upon application to the state department of elementary and secondary
 5 education be employed by the department as a special advisor and supervisor in
 6 connection with state educational problems. Any person so employed shall
 7 perform such duties as the commissioner of education directs and shall receive
 8 a salary of seventy-five dollars per month, payable in semimonthly or monthly
 9 installments, as designated by the commissioner of administration, out of the
 10 general revenue of the state pursuant to appropriations for the purpose, except
 11 that the payment to the retired person for such services, together with the
 12 retirement benefits he receives under chapter 169, shall not exceed one hundred
 13 fifty dollars per month. The employment provided for by this section shall in no
 14 way affect any person's eligibility for retirement benefits under chapter 169.]

1 [170.254. 1. From moneys appropriated for this purpose from the fund
2 established by section 160.500 by rule and regulation, the state board of
3 education shall make grants to school districts for the acquisition of computers,
4 data transmission lines, networking hardware and software, science and
5 mathematics laboratory equipment, and such other equipment to promote the use
6 of computers and telecommunications technology. In determining the criteria
7 and procedures for grants authorized by this section, the state board of education
8 shall consider the advice and counsel provided by the advisory committee
9 established pursuant to subsection 4 of section 170.250.

10 2. In no case shall the grants authorized by this section exceed five
11 million dollars in any fiscal year.]
12

1 [172.287. 1. The University of Missouri shall annually request an
2 appropriation under capital improvements, subject to availability of funds, for a
3 program of grants established for the engineering colleges of the University of
4 Missouri for the purpose of assisting such colleges in the purchase of teaching
5 and research laboratory equipment exclusive of laboratory or classroom furniture.
6 The amount granted for each engineering college may not exceed the lesser of an
7 amount equal to one thousand two hundred dollars per each such bachelor's
8 degree awarded in the previous fiscal year in all engineering programs currently
9 accredited by the accreditation board for engineering and technology, or the
10 dollar value of new funds for equipment purchase which such colleges may
11 obtain from sources other than state appropriations for laboratory equipment.

12 2. For purposes of this section, the fair market value of in-kind
13 contributions of laboratory equipment to the colleges may be included as funds
14 for equipment purchase from sources other than state appropriations. In the event
15 that new funds for laboratory equipment purchase obtained by any college of
16 engineering from such nonstate sources exceed the amount necessary to reach the
17 maximum dollar limits herein specified, such excess amounts will be carried over
18 to the following fiscal year and considered the same as that year's new equipment
19 funds from nonstate sources.

20 3. In the event that the appropriations for this grant program are
21 insufficient to fund all grants approved for a given fiscal year, all such grants
22 shall be reduced pro rata as necessary.

23 4. The provisions of this section shall terminate on June 30, 2017.]
24

1 [172.800. As used in sections 172.800 to 172.807, unless the context
2 clearly requires otherwise, the following terms shall mean:

3 (1) "Alzheimer's disease and related disorders", diseases resulting from
4 significant destruction of brain tissue and characterized by a decline of memory
5 and other intellectual functions. These diseases include but are not limited to
6 progressive, degenerative and dementing illnesses such as presenile and senile
7 dementias, Alzheimer's disease and other related disorders;

- 8 (2) "Board of curators", the board of curators of the University of
9 Missouri;
- 10 (3) "Investigator", any person with research skills who seeks state
11 funding for a research project under sections 172.800 to 172.807;
- 12 (4) "Research project", any original investigation for the advancement of
13 scientific knowledge in the area of Alzheimer's disease and related disorders;
- 14 (5) "Task force", the Alzheimer's disease and related disorders task force
15 established pursuant to sections 660.065 and 660.066;
- 16 (6) "Advisory board", a board appointed by the board of curators to
17 advise on the administration of the program established by sections 172.800 to
18 172.807.]
19

2 [172.801. 1. The board of curators shall award funds to investigators for
3 research projects that promote an advancement of knowledge in the area of
4 Alzheimer's disease and related disorders. For this purpose, the board of curators
5 shall request annually an appropriation of not less than two hundred thousand
6 dollars adjusted for inflation. The board of curators shall also request additional
7 funds for administrative overhead not to exceed ten percent of the annual
8 appropriation of research funds.

9 2. Research priorities shall be determined by the advisory board and may
10 include, at least, issues of cost containment, cause, diagnosis, management and
11 provision of care and services relevant to Alzheimer's disease and related
12 disorders, as well as the impact on care givers. In determining the priorities, the
13 advisory board shall seek the advice of national experts in research on
14 Alzheimer's disease and related disorders.

15 3. The advisory board shall solicit and select proposals for research
16 projects according to procedures approved by the board of curators. The
17 selection procedures shall provide for peer review of the background and ability
18 of each investigator, the merits of the work proposed and an evaluation of the
19 potential for each research project to achieve productive results. The peer review
20 shall be conducted by the advisory board in accordance with such procedures as
21 are utilized by the National Institute of Health and the National Science
22 Foundation and shall be further consistent with the procedures required by the
23 Missouri research assistance act as otherwise provided by law. Such review shall
24 consist of professional evaluation of the proposal by experts on the topic who are
25 not affiliated in any way with the submitting investigator. Because the proposals
26 submitted for funding are the submitting investigator's private property and could
27 be a scientific or technological innovation in which the submitting investigator
28 has a proprietary interest, the results of this external evaluation and the related
29 discussion by the advisory board shall not be open to the public. The final
30 awards of the advisory board and all of its other proceedings shall be open to the
31 public.]

2 [172.803. 1. The board of curators, with the recommendations of the
3 advisory board, shall award funds to selected investigators in accordance with the
4 following provisions:

5 (1) Individual awards shall not exceed thirty thousand dollars per year
6 and shall expire at the end of one or two years, depending on the recommendation
7 of the advisory board for each award;

8 (2) Costs for overhead of the grantee individual or institution shall not
9 be allowed;

10 (3) Investigators shall be employees or staff members of public or private
11 educational, health care, voluntary health association or research institutions
12 which shall specify the institutional official responsible for administration of the
13 award;

14 (4) Subject to the provisions of subsection 3 of section 172.801,
15 preference shall be given to investigators new to the field of Alzheimer's disease
16 and related disorders and to those experienced in the field but departing in a
17 research direction different from their previous work. Lesser preference shall be
18 given to proposals to sustain meritorious research in progress;

19 (5) Awards shall be used to obtain preliminary data to test hypotheses
20 and to enable investigators to develop subsequent competitive applications for
21 long-term funding from other sources; and

22 (6) The research project shall be conducted in Missouri.

23 2. Funds appropriated for but not awarded to research projects in any
24 given year shall be included in the board of curators' appropriations request for
25 research projects in the succeeding year.]

[172.805. 1. The advisory board shall consist of:

2 (1) Two physicians who are active both in research addressing
3 Alzheimer's disease and related disorders and in caring for patients with these
4 disorders;

5 (2) Two nonphysicians engaged in research addressing Alzheimer's
6 disease and related disorders;

7 (3) One nonphysician professional active in providing service or care to
8 patients with these disorders;

9 (4) Two nonresearchers active in the Alzheimer's disease and related
10 disorders association;

11 (5) One representative of the board of curators;

12 (6) One representative from the task force as long as it is in existence;

13 (7) One member of the general assembly.

14 2. The advisory board members shall be appointed for terms of three
15 years, except that the terms of the original members shall be staggered among
16 two, three and four years to allow for continuity.

17 3. Members of the advisory board shall be appointed by the board of
18 curators from nominations made by the task force as long as it is in existence.
19 Thereafter, nominations shall be made by the advisory board itself.

20 4. Members of the advisory board may be dismissed by an affirmative
 21 vote of two-thirds of the members.

22 5. Members of the advisory board and its peer review committee shall be
 23 reimbursed by the board of curators for their actual expenses in providing
 24 services under sections 172.800 to 172.807.]
 25

2 [172.807. The board of curators shall administer all provisions of
 3 sections 172.800 to 172.807 and may promulgate rules and regulations necessary
 4 to carry out this duty.]

2 [173.053. 1. The coordinating board for higher education shall determine
 3 the number of students receiving a maximum Pell grant in each Missouri public
 4 two-year and four-year college and university in fiscal year 1988.

5 2. Based on the enrollment numbers established in subsection 1 of this
 6 section, the coordinating board shall request in subsequent fiscal years an
 7 appropriation based on the criteria established in subsection 3 of this section. In
 8 determining the number of students receiving a maximum Pell grant, only
 9 students meeting the following criteria shall be included. Such students shall:

- 10 (1) Apply for and be eligible for a maximum Pell grant;
- 11 (2) Be in-state students;
- 12 (3) Maintain satisfactory academic progress;
- 13 (4) Not receive more than one thousand dollars annually in guaranteed
 14 student loans; and
- 15 (5) Not receive a Missouri student grant.

16 3. To be eligible to receive appropriations, public institutions shall:

- 17 (1) Increase the number of students meeting the criteria established in
 18 subsection 2 of this section at a percentage established annually by the
 19 coordinating board;
- 20 (2) Document in-state status of such students and submit academic
 21 progress policies related to such students to the coordinating board.

22 4. The coordinating board shall, in consultation with the heads of the
 23 public two-year and four-year colleges and universities, establish a formula based
 24 on the cost of instruction to reimburse public institutions for a portion of the cost
 25 of increasing the number of students meeting the criteria established in
 26 subsection 2 of this section.

27 5. The coordinating board shall, in consultation with the heads of the
 28 public two-year and four-year colleges and universities, establish rules and
 29 regulations on the participation of part-time undergraduate students enrolled in
 30 a degree or certificate granting program.]

2 [173.055. 1. As used in this section, the following terms shall mean:

- 3 (1) "Board", the Missouri coordinating board for higher education;
- 4 (2) "Department", the Missouri department of higher education;
- 5 (3) "Fund", the risk sharing revolving fund;

5 (4) "Institution", any institution of postsecondary education, including a
6 university, college, vocational and technical school, and other postsecondary
7 institution, located within the state of Missouri;

8 (5) "Institutional fee", an annual fee assessed against institutions by the
9 department based on a calculation approved by the United States Secretary of
10 Education;

11 (6) "Rate", the cohort default rate determined by the United States
12 Secretary of Education;

13 (7) "Secretary", the United States Secretary of Education;

14 (8) "State fee", a fee assessed against the state of Missouri and paid to the
15 secretary as required by federal law.

16 2. The Missouri coordinating board for higher education shall administer
17 the "Student Loan Default State Risk Sharing Program" established pursuant to
18 the Omnibus Budget Reconciliation Act of 1993, P.L. 103-66, and shall calculate,
19 assess, collect, and authorize payment of the state fee to the secretary.

20 3. The department shall annually authorize payment from the fund of any
21 fee assessed by the secretary under the Omnibus Budget Reconciliation Act of
22 1993, as amended, P.L. 103-66, on behalf of the state and shall collect, pursuant
23 to this section, fees from educational institutions to cover this cost.

24 4. The "Risk Share Revolving Fund" is hereby established in the state
25 treasury and shall consist of money appropriated to the fund by the general
26 assembly, institutional fees, gifts, grants, and bequests from federal, private, or
27 other sources made for the purpose of paying the state fee to the secretary. Any
28 balance in the fund, not in excess of two times the total amount appropriated,
29 paid or transferred to the fund during the preceding fiscal year shall not be subject
30 to transfer to the general revenue fund pursuant to section 33.080.

31 5. All moneys collected by the department in institutional fees shall be
32 paid into the state treasury and credited to the fund.

33 6. The department may contract with public agencies or private persons
34 or organizations for the purpose of carrying out the provisions of this section.

35 7. The board shall, by rule, determine the procedures for the collection
36 of the annual institutional fees. If an institution fails to pay the assessed fee, the
37 attorney general for the state of Missouri may initiate proceedings to collect the
38 assessed fee.

39 8. The board shall develop and promulgate rules pursuant to and shall
40 administer the provisions of this section.

41 9. Independent or private guarantors of student loans of students
42 attending Missouri institutions shall file an annual report at no charge by each
43 October fifteenth with the department stating, for the immediately preceding
44 period of October first through September thirtieth and for each month therein
45 and for each Missouri institution, the total number of loans guaranteed, the total
46 dollar amount of such loans, the total number and amount of loans entering
47 repayment, the total number and amount of loans for which default claims were
48 paid, the total number and amount of loans for which bankruptcy claims were

49 paid, the total number and amount of loans for which death claims were paid, and
50 the total number and amount of loans for which total and permanent disability
51 claims were paid.]
52

[173.198. 1. There is hereby established the "Undergraduate Scholarship
2 Program", which shall be administered by the coordinating board for higher
3 education. The program shall, upon appropriation, provide scholarships, subject
4 to the eligibility criteria enumerated in this section, for persons who pursue an
5 undergraduate degree in the fields of mathematics, chemistry, physics,
6 astronomy, geology, life sciences, teacher's education in mathematics or science,
7 and foreign languages.

8 2. The amount of any scholarship granted under the undergraduate
9 scholarship program shall be five thousand dollars, except that in no event shall
10 the total amount of any scholarship received under this section plus the amount
11 of any scholarship received under the higher education academic scholarship
12 program, otherwise known as the "bright flight program", pursuant to section
13 173.250, exceed five thousand dollars.

14 3. In order to be eligible to receive a scholarship pursuant to this section,
15 a person shall:

16 (1) Be a United States citizen and a Missouri resident in the third, fourth,
17 or fifth year of study at any public or private institution of higher education in this
18 state and have completed at least sixty hours of accredited higher education study
19 at any public or private institution of higher education in this state;

20 (2) Rank in the top fifteenth percentile in either the SAT (Scholastic
21 Aptitude Test) or the ACT (American College Test);

22 (3) Be a full-time student at any public or private institution of higher
23 education in this state;

24 (4) Be a declared major in one of the academic disciplines enumerated
25 in subsection 1 of this section;

26 (5) Agree to submit to the exit examination developed under subsection
27 4 of this section.

28 4. The coordinating board for higher education shall, in consultation with
29 academic experts in the respective disciplines in this state, administer
30 comprehensive exit examinations in each field of academic discipline enumerated
31 in subsection 1 of this section to be administered every year. Such examinations
32 shall be selected so as to measure the breadth of knowledge of the examinee and
33 allow for novel and creative ideas in the respective discipline.

34 5. The coordinating board shall analyze the results of the exit
35 examination administered pursuant to subsection 4 of this section. If, in the
36 opinion of the coordinating board, three years after implementation of the
37 undergraduate scholarship program in a particular field of study, average scores
38 on exit examinations of scholarship recipients fall below the fiftieth percentile,
39 new undergraduate scholarships in that particular academic discipline at that

40 particular institution of higher education shall be discontinued for a period of one
 41 year.

42 6. All scholarships issued pursuant to sections 173.197 to 173.199 may
 43 be renewed annually if the coordinating board is satisfied that the recipient is
 44 making satisfactory academic progress.]
 45

2 [173.199. 1. There is hereby established the "Graduate Fellowship
 3 Program" which shall be administered by the coordinating board for higher
 4 education. The program shall, upon appropriation, provide fellowships, subject
 5 to the eligibility criteria enumerated in this section, for persons who pursue a
 6 graduate degree in the fields of mathematics, chemistry, physics, geology,
 7 astronomy, life sciences, foreign languages, engineering, and agricultural
 8 sciences.

9 2. The amount of any fellowship granted under the graduate fellowship
 10 program for the pursuit of a master's degree in any of the disciplines enumerated
 11 in subsection 1 of this section shall be eight thousand dollars.

12 3. The coordinating board shall award scholarships in an amount of eight
 13 thousand dollars for the pursuit of a doctorate degree in any of the disciplines
 14 enumerated in subsection 1 of this section.

15 4. In order to be eligible to receive a scholarship or fellowship pursuant
 16 to this section, a person shall be a United States citizen and a Missouri resident
 17 who scores in the top twenty-fifth percentile of the GRE (Graduate Record
 18 Examination) test.

19 5. Any scholarship or fellowship awarded pursuant to sections 173.197
 20 to 173.199 shall be expended only at a public or private institution of higher
 21 education in the state of Missouri.]

2 [173.267. 1. There is hereby established the "Missouri Educational
 3 Employees' Memorial Scholarship Program", and any moneys collected pursuant
 4 to subsection 2 of this section for this program shall be used to provide
 5 scholarships for the children of Missouri educational employees who died while
 6 employed by a Missouri school district to attend an undergraduate Missouri
 7 college or university of their choice pursuant to the provisions of this section.

8 2. Any employee of a public school district may have a minimum amount
 9 of one dollar withheld from such employee's paycheck to be donated to the
 10 "Missouri Educational Employees' Memorial Scholarship Fund", which is hereby
 11 created in the state treasury. The fund shall be used to provide scholarships to
 12 eligible students pursuant to this section. All earnings resulting from the
 13 investment of moneys in the fund shall be credited to the fund. Notwithstanding
 14 the provisions of section 33.080 to the contrary, moneys in the fund shall not
 15 revert to the credit of the general revenue fund at the end of the biennium.
 16 Moneys in the fund shall not be a part of total state revenues for the purposes of
 article X of the Missouri Constitution.

17 3. The definitions of terms set forth in section 173.205 shall be applicable
18 to such terms as used in this section.

19 4. The coordinating board for higher education shall be the administrative
20 agency for the implementation of the program established by this section, and
21 shall:

22 (1) Promulgate reasonable rules for the exercise of its functions and the
23 effectuation of the purposes of this section;

24 (2) Prescribe the form and the time and method of awarding the
25 scholarships, and shall supervise the processing thereof;

26 (3) Select qualified recipients to receive the scholarships, make such
27 awards of scholarships to qualified recipients and determine the manner and
28 method of payment to the recipient; and

29 (4) Operate the program in a manner designed to perpetuate the fund.

30 5. A student shall be eligible for an initial or renewed scholarship if, at
31 the time of application and throughout the period during which the student is
32 receiving such assistance, he or she is a part-time or full-time student who:

33 (1) Is seventeen years of age or older;

34 (2) Is a citizen or a permanent resident of the United States;

35 (3) Is a resident of the state of Missouri, as determined by reference to
36 standards promulgated pursuant to section 173.140;

37 (4) Was the child or legal dependent of an educational employee of a
38 Missouri public school who was enrolled in and regularly contributing to the
39 program for at least one year and who died while employed by such school
40 district after August 28, 1999. Such one-year period shall not apply to persons
41 enrolled during the first year after August 28, 1999, or to persons employed for
42 less than one year;

43 (5) Is enrolled, or has been accepted for enrollment, as an undergraduate
44 student in an approved private or public institution; and

45 (6) Establishes financial need.

46 6. A recipient of a scholarship awarded pursuant to the provisions of this
47 section may transfer from one approved Missouri public or private institution to
48 another without losing eligibility for the scholarship. If a recipient of the
49 scholarship at any time withdraws from an approved private or public institution
50 so that under the rules and regulations of that institution he or she is entitled to
51 a refund of any tuition, fees or other charges, the institution shall pay the portion
52 of the refund attributable to the scholarship for that term to the coordinating
53 board for higher education for deposit in this program.]

54

2 [173.500. The state of Missouri shall promote research projects and
3 applied projects as defined by sections 173.500 to 173.565 which will enhance
4 employment opportunity, stimulate economic development and encourage private
5 investment.]

2 [173.510. As used in sections 173.500 to 173.565, unless the context
3 clearly requires otherwise, the following terms shall mean:

4 (1) "Applied project", any activity which seeks to utilize, synthesize, or
5 apply existing knowledge, information, or resources to the resolution of a
6 specified problem, question, or issue;

7 (2) "Board of curators", the board of curators for the University of
8 Missouri;

9 (3) "Coordinating board", the Missouri coordinating board for higher
10 education;

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

12 (5) "Institution", any approved private institution or approved public
13 institution, as these terms are defined in section 173.205, which are certified as
14 such by the coordinating board;

15 (6) "Research project", any original investigation for the advancement of
16 scientific or technological knowledge;

17 (7) "Small business", an independently owned and operated business as
18 defined in title 15 U.S.C. section 632A and as described by title 13 CFR part 21;
19 and

20 (8) "University", any institution of higher learning located within this
21 state which has one or more campuses, offers doctoral level degrees, conducts
22 basic research activities, and is federally or privately sponsored or funded, or both
23 federally and privately sponsored or funded.]

2 [173.515. There is hereby created the "Higher Education Research Fund"
3 which shall be administered by the board of curators and which shall contain such
4 moneys as appropriated to it by the general assembly. Moneys in the research
5 fund shall be kept separate from all other funds of the university and shall be
6 expended for the purposes specified in sections 173.500 and 173.515 to 173.535
7 and for no other purpose. The board of curators shall provide such information
8 and reports as the coordinating board may require concerning expenditure from
9 the research fund.]

2 [173.520. The board of curators shall solicit and select proposals for
3 research projects from persons associated with a university to be funded pursuant
4 to sections 173.500 to 173.565, according to procedures approved by the
5 coordinating board. The selection procedures shall provide for external peer
6 review, assessment of the capacity of each research project to enhance
7 employment opportunity within this state, and as evaluation of the potential of
8 each research project to encourage private investment for a research project that
9 would affect the Missouri economy. The selection procedures shall give
10 consideration to the recommendations of a steering committee established by the
11 board of curators and to include at least one representative each of all eligible
12 institutions.]

1 [173.525. 1. Moneys from the research fund shall be used to defray a
2 maximum of thirty-three and one-third percent or, for small business, a maximum
3 of sixty-six and two-thirds percent of the expenses associated with any research
4 project approved by the board of curators for funding under sections 173.500 to
5 173.565. The remaining sixty-six and two-thirds percent or, for small business,
6 the remaining thirty-three and one-third percent of the expenses associated with
7 any such project shall be contributed by a source other than the state or federal
8 government. The board of curators shall approve for funding only those research
9 projects for which:

10 (1) Contributions were not committed for the same or related research
11 prior to August 13, 1982;

12 (2) Contributions have been obtained entirely from sources other than the
13 state or federal governments, student fees, institutional endowment or other
14 moneys used to fund the operating budget of the university; and

15 (3) Funding is consistent with the purposes of sections 173.500 to
16 173.565.

17 2. Only those expenses which are usually and customarily attendant to
18 academic research shall be provided, including, without limitation, salaries of the
19 principal investigators and assistants and the purchase of equipment and supplies.
20 Moneys in the fund shall in no event be used to defray any portion of costs
21 normally attributable to overhead.

22 3. Notwithstanding other provisions of sections 173.500 to 173.565 to the
23 contrary, the board of curators may, in an amount not to exceed twenty-five
24 percent of any appropriation to the higher education research fund, use such
25 moneys to defray not more than thirty-three and one-third percent of the expenses
26 associated with what is considered a "higher education applied project" as that
27 term is used by sections 173.545 to 173.565 which the board of curators deems
28 to be of unusual promise.]
29

1 [173.530. Ownership of all equipment and supplies, and any patents or
2 copyrights which might be developed either directly or indirectly as a result of the
3 funding provided by sections 173.500 and 173.515 to 173.535 shall be
4 determined in accordance with the applicable rules and regulations of the
5 university involved in the project.]
6

1 [173.535. Reasonable and necessary administrative costs for the
2 solicitation and evaluation of research project proposals, and for the preparation
3 of information and reports concerning the research fund, shall be chargeable to
4 the research fund, subject to the approval of the board of curators. All other
5 expenses attendant to the administration of the research fund, including
6 solicitation of private contributions and the administration of individual grants,
7 shall be borne by the university involved. Decisions of the board of curators with
8 respect to selection of research projects shall be final.]
9

2 [173.545. 1. There is hereby created the "Higher Education Applied
3 Projects Fund" which shall be administered by the department of economic
4 development and which shall contain such moneys as are appropriated to it by the
5 general assembly. Moneys in the applied projects fund shall be kept separate
6 from all other funds of the department and shall be expended for the purposes
7 specified in sections 173.500 and 173.545 to 173.565, and for no other purpose.
8 The department shall establish procedures to ensure accountability for the applied
9 projects fund and shall submit an annual report and such information as the
10 governor may require concerning the activity of the applied projects fund.

11 2. Fifty percent of the funds annually allocated by the department of
12 economic development to defray the expenses associated with applied projects
13 shall be directed to projects which are intended to produce a positive economic
14 impact, in such areas as value-added manufacturing and agriprocessing, upon
15 rural communities as defined in section 620.160.]

2 [173.550. The department shall establish appropriate procedures, in
3 accordance with the purposes of sections 173.500 to 173.565, for selection of
4 applied project proposals submitted to it by institutions. Proposals submitted by
5 the University of Missouri system, directly or indirectly, shall not be eligible for
6 funding.]

2 [173.555. 1. Moneys from the applied projects fund shall be used to
3 defray a maximum of fifty percent or, for small business, a maximum of sixty-six
4 and two-thirds percent of the expenses associated with any applied project
5 approved by the department for funding under sections 173.500 to 173.565,
6 provided that the remaining fifty percent or, for small business, the remaining
7 thirty-three and one-third percent of the expenses associated with any such
8 project is contributed by or through sources other than the state or federal
9 government. The department shall approve for funding only those applied
10 projects for which:

11 (1) Contributions were not committed for the same or related applied
12 projects prior to August 13, 1982;

13 (2) Contributions have been obtained from sources other than the state
14 or federal governments, student fees, institutional endowment or other moneys
15 used to fund the operating budget of any institution;

16 (3) Enhanced employment opportunity within this state will likely result;
17 and

18 (4) Funding of the project is otherwise consistent with the purposes of
19 sections 173.500 and 173.545 to 173.565.

20 2. Only those expenses which are usually and customarily attendant to
21 academic research shall be provided, including, without limitations, salaries of
22 principal directors and assistants and the purchase of equipment and supplies.
23 Moneys in the applied projects fund shall in no event be used to defray costs
normally attributed to institutional overhead. The chargeability of any disputed

24 item shall be determined by the department, and decisions of the department with
 25 respect to selection of applied projects shall be final.]
 26

2 [173.560. Ownership of all equipment and supplies, and any patents or
 3 copyrights which might be developed either directly or indirectly as a result of the
 4 funding provided under sections 173.500 and 173.545 to 173.565 shall be
 5 governed by the appropriate institution's rules and regulations applicable to these
 6 matters.]

2 [173.565. Reasonable and necessary administrative costs for the
 3 solicitation and evaluation of applied project proposals, and for the preparation
 4 of reports concerning the applied projects fund, shall be chargeable to the fund,
 5 subject to the approval of the director of the department. All other expenses
 6 attendant to the administration of the applied projects fund, including solicitation
 7 of private contributions and the administration of individual grants, shall be
 8 borne by the appropriate institution. All expenses charged to the applied fund
 9 shall be itemized and shall be included in the department's annual report.]

2 [173.724. 1. There is hereby established a "Higher Education Artistic
 3 Scholarship Program". Moneys appropriated by the general assembly or moneys
 4 identified in section 173.252 may be used for this program to provide
 5 scholarships for Missouri citizens to attend an approved public or private
 6 institution of their choice pursuant to the provisions of this section. Such
 7 program shall award a maximum of ten initial artistic scholarships per year, in the
 8 amount of two thousand dollars per scholarship.

9 2. As used in this section, the following terms mean:
 10 (1) "Approved private institution", as defined in section 173.205;
 11 (2) "Approved public institution", as defined in section 173.205;
 12 (3) "Artistic talent":
 13 (a) Creation of the visual arts;
 14 (b) Creation of and the performance of music;
 15 (c) Creation of and the performance of theater;
 16 (d) Creation of and the performance of musical theater; and
 17 (e) Creation of and the performance of dance;
 18 (4) "Artistic talent scholarship", an amount of money paid by the state of
 19 Missouri to a qualified college or university student who has demonstrated
 20 exceptional artistic talent pursuant to the provisions of this section.

21 3. The coordinating board for higher education shall be the administrative
 22 agency for the implementation of the program established by this section, and
 shall:

23 (1) Promulgate reasonable rules and regulations for the exercise of its
 24 functions and the effectuation of the purposes of this section;
 25 (2) Prescribe the form and the time and method of awarding scholarships
 26 to student artists of exceptional talent, and supervise the processing thereof; and

27 (3) Select qualified recipients to receive artistic talent scholarships, make
 28 awards of such artistic talent scholarships to qualified recipients and determine
 29 the manner and method of payment to the recipient.

30 4. No rule or portion of a rule promulgated under the authority of this
 31 section shall become effective unless it has been promulgated pursuant to the
 32 provisions of section 536.024.

33 5. A student shall be eligible for initial or renewed artistic talent
 34 scholarships if he or she is in compliance with the eligibility requirement set forth
 35 in section 173.215, excluding the requirement of financial need, and in addition
 36 meets the following requirements:

- 37 (1) Demonstration of exceptional artistic talent; and
- 38 (2) Declaration of intent to complete a college or university program of
 39 studies centered around the art or arts in which he or she has demonstrated talent
 40 for purposes of this section.

41 6. Artistic talent scholarships are renewable in the amount of two
 42 thousand dollars for each of the sophomore, junior and senior years of college or
 43 university study provided the recipient makes satisfactory academic degree
 44 progress as a full-time student and in addition, for each of the sophomore, junior
 45 and senior years, provides service to the institution in which enrolled in an
 46 academically related assignment. Students who hold artistic talent scholarships
 47 shall continue to enroll in a program of studies centered around the art or arts in
 48 which their talent is demonstrated for purposes of this section.

49 7. A recipient of an artistic talent scholarship awarded under this section
 50 may transfer from one approved Missouri public or private institution to another
 51 without losing eligibility for the scholarship. If a recipient of the scholarship at
 52 any time withdraws from an approved private or public institution so that under
 53 the rules and regulations of that institution he or she is entitled to a refund of any
 54 tuition, fees or other charges, the institution shall pay the portion of the refund
 55 attributable to the scholarship for that term to the coordinating board for higher
 56 education.]

57 [173.727. 1. There is hereby established a "Higher Education Graduate
 2 Study Scholarship Program" and any moneys appropriated by the general
 3 assembly for this program shall be used to provide scholarships for Missouri
 4 citizens to pursue graduate studies at a college or university of their choice
 5 pursuant to the provisions of this section.

6 2. The definitions of terms set forth in section 173.205 shall be applicable
 7 to such terms as used in this section except that the terms "approved private
 8 institution" and "approved public institution" shall, in addition, mean that those
 9 institutions offer programs of study beyond the baccalaureate degree which lead
 10 to a certificate or degree award on the graduate study level for which level of
 11 study the institution is accredited by the North Central Association of Colleges
 12 and Schools. The terms "graduate study scholarship" or "graduate scholarship"
 13 mean an amount of money paid by the state of Missouri to a qualified college or

14 university graduate student who has demonstrated superior academic
15 achievement pursuant to the provisions of this section.

16 3. The coordinating board for higher education shall be the administrative
17 agency for the implementation of the program established by this section, and
18 shall:

19 (1) For each three-year period of academic years, beginning with the
20 1991-1992 academic year, and based upon manpower needs of the state of
21 Missouri as determined by the coordinating board, designate an area or areas of
22 graduate program certificate or degree study for which graduate study
23 scholarships shall be awarded to qualified Missouri residents, as provided in this
24 section, during the three-year period;

25 (2) Promulgate reasonable rules and regulations for the exercise of its
26 functions and the effectuation of the purposes of this section;

27 (3) Prescribe the form and the time and method of awarding graduate
28 study scholarships, and shall supervise the processing thereof; and

29 (4) Select qualified recipients to receive graduate study scholarships,
30 make such awards of graduate scholarships to qualified recipients and determine
31 the manner and method of payment to the recipient.

32 4. No rule or portion of a rule promulgated under the authority of this
33 section shall become effective unless it has been promulgated pursuant to the
34 provisions of section 536.024.

35 5. A student shall be eligible for initial or renewed graduate scholarship
36 if he or she is in compliance with the eligibility requirements set forth in section
37 173.215, excluding the requirement of financial need, provided the student is
38 enrolled, or has been accepted for enrollment, as a full-time graduate student in
39 an approved private or public institution and in addition meets the requirements
40 set forth in subsections 6 and 7 of this section. However, if the number of
41 applicants exceeds the number of scholarships or revenues available, the
42 coordinating board for higher education may consider the financial needs of the
43 applicant.

44 6. Graduate study scholarships are awarded for a period of one academic
45 year. Initial scholarships shall be offered to Missouri residents whose scores on
46 both the verbal and quantitative sections of the graduate record examination
47 general test are in the top one percent of all Missouri students taking the graduate
48 record examination during the academic year in which the test was taken, or who
49 achieve, to the satisfaction of the coordinating board for higher education, an
50 equivalent score on an equivalent graduate or professional examination.
51 Graduate scholarship recipients are required to maintain a full-time student
52 status.

53 7. Initial graduate study scholarships are renewable for one additional
54 academic year provided the recipient makes satisfactory graduate degree progress
55 as a full-time student and provided that the program of study for which the
56 scholarship is awarded requires an additional year of study to meet minimum
57 requirements, exclusive of thesis, dissertation or experiential project. Graduate

58 study scholarships are also renewable for uninterrupted progression of study from
 59 one level of graduate degree to the next higher level of degree study and may
 60 further be renewed for one additional academic year under the same criteria as
 61 provided for initial scholarship renewal.

62 8. A student who is enrolled or has been accepted for enrollment as a
 63 graduate student, at an approved private or public institution, in a program study
 64 area designated as eligible by the coordinating board for higher education,
 65 beginning with the fall, 1991, term and who meets the other eligibility
 66 requirements for a graduate study scholarship shall, within the limits of the funds
 67 appropriated and made available, be offered a graduate study scholarship in the
 68 amount of two thousand dollars, which scholarship shall be renewable as
 69 provided in this section.]
 70

2 [173.775. 1. Sections 173.775 to 173.796 shall be known as the
 "Advantage Missouri Program". This program shall provide loans to and
 3 establish a loan forgiveness program for students in approved educational
 4 programs who become employed in occupational areas of high demand in this
 5 state.

6 2. The "Advantage Missouri Trust Fund" is hereby created in the state
 7 treasury, to be used by the coordinating board for higher education to provide
 8 loans pursuant to sections 173.775 to 173.796. All appropriations, private
 9 donations, and other funds provided to the board for this program shall be
 10 credited to the fund. All funds generated by loan repayments and any penalties
 11 received pursuant to sections 173.787 and 173.790, shall also be credited to the
 12 fund. Notwithstanding the provisions of section 33.080 to the contrary, any
 13 unexpended balance in the fund shall not revert to the general revenue fund.]
 14

2 [173.778. As used in sections 173.775 to 173.796, the following terms
 mean:

- 3 (1) "Board", the coordinating board for higher education;
 4 (2) "Eligible institution", any approved public or private institution of
 5 postsecondary education, as defined in section 173.205 or any other Missouri
 6 private institution that:
 7 (a) Is required by statute to be certified to operate by the board;
 8 (b) Is institutionally accredited by a United States Department of
 9 Education recognized accrediting commission;
 10 (c) Has operated continuously in the state of Missouri for five or more
 11 years;
 12 (d) Has no more than fifty percent of its students in correspondence
 13 programs;
 14 (e) Offers a one-year or two-year certificate, associate or baccalaureate
 15 degree programs, or graduate or professional degree programs; and
 16 (f) Is approved for participation in the advantage Missouri program by
 17 the board;

18 (3) "Eligible student", an individual who is enrolled full time in an
 19 eligible institution, unless the board approves less than full-time enrollment, who
 20 meets the eligibility requirements pursuant to subsection 1 of section 173.215 and
 21 who meets the following additional requirements:

22 (a) Has received a high school diploma, general educational development
 23 certificate (GED), or its equivalent;

24 (b) Maintains satisfactory academic progress as determined by the
 25 eligible institution such student attends in pursuing a one-year or two-year
 26 certificate, associate or baccalaureate degree, or graduate or professional degree.
 27 Failure to maintain satisfactory academic progress shall result in ineligibility for
 28 continued participation in the program and ineligibility for forgiveness of any
 29 loan or loans received;

30 (c) Is not currently confined in any federal or state correctional facility
 31 or jail;

32 (d) Has not defaulted on the repayment of any previously granted higher
 33 education loan; and

34 (e) Submits an application provided by the board for participation in the
 35 program;

36 (4) "Fund", the advantage Missouri trust fund, established in section
 37 173.775; and

38 (5) "Occupational areas of high demand", specific professions or skill
 39 areas for which the board determines that the state is experiencing a shortage of
 40 qualified employees;

41 (6) "Program", the advantage Missouri program established pursuant to
 42 sections 173.775 to 173.796.]

43

2 [173.781. By August 28, 1998, and by June first of each year thereafter,
 3 the board shall designate occupational areas of high demand in the state. The
 4 board shall also designate professions and skill areas directly related to the areas
 5 of high demand, and the degree programs or certifications directly leading to
 6 employment in such areas. In making such designations, the board shall consult
 7 with the department of labor and industrial relations, the department of economic
 8 development, and private sector business and labor groups. The board shall also
 9 consult with other private and public agencies and individuals with expertise
 10 related to labor markets, geographic and demographic analysis, and solicit input
 11 from interested parties throughout the state, in order to ensure that:

11 (a) The diverse needs of the state are considered; and

12 (b) That these designations reflect the broad, long-term economic,
 13 educational, and public policy interests of the state in both the public and private
 14 sectors.]

15

2 [173.784. An eligible student may participate in the program for up to ten
 3 semesters, or their equivalent, whether consecutive or not, and may be awarded
 a loan of up to two thousand five hundred dollars per academic year by the board,

4 not to exceed a maximum of ten thousand dollars. No student shall participate
5 in the program more than seven years after beginning such participation.]
6

2 [173.787. Eligible students who are in compliance with program
3 requirements may qualify for forgiveness of a loan or loans received through the
4 program by agreeing to be employed in an occupational area of high demand
5 within the state of Missouri, as determined by the board, with such employment
6 beginning within one calendar year of graduation by the individual from an
7 eligible institution, and as outlined in the contract pursuant to section 173.790.
8 The employment qualifying the eligible student for loan forgiveness shall be
9 approved by the board. The board shall approve loan forgiveness on a
10 year-for-year basis, with each year of approved employment qualifying the
11 student for the forgiveness of one year's loans. Students electing not to comply
12 with these employment requirements, or students failing to meet these
13 requirements shall be required to repay with interest any or all loans received,
14 pursuant to the contractual provisions described in section 173.790.]

2 [173.790. 1. The board shall enter into a contract with each individual
3 qualifying for participation in the program at the time the individual declares a
4 major or decides on a course of study, if a major is not declared at the institution
5 at which the individual is enrolled. The written contract shall contain, but not be
6 limited to, the following:

7 (1) The terms and conditions under which the loan is made, and the
8 requirements for repayment of the loan by the student;

9 (2) A stipulation that, the provisions of section 143.811 to the contrary
10 notwithstanding, no interest shall be assessed on any loan provided through the
11 program while the student is enrolled full time, or enrolled part-time with the
12 approval of the board, and meets the eligibility requirements pursuant to section
13 173.778;

14 (3) The terms and conditions for qualifying for forgiveness of loan
15 proceeds received through the program;

16 (4) A provision that any financial obligations arising out of a contract
17 entered into, and any obligations of the individual which are conditioned thereon,
18 are contingent upon funds being appropriated to the fund and on the availability
19 of a targeted high demand job; and

20 (5) The amount of any penalties assessed, in the event repayment of the
21 loan by the student is not made in accordance with the contract, or the student
22 fails to maintain eligibility or other requirements of the program. All such
23 penalties shall be deposited in the fund.

24 2. Sections 173.775 to 173.796 shall not be construed to require the
25 board to enter into contracts with individuals who otherwise qualify for the
26 program when funds are not available for such purpose.]

2 [173.793. Nothing in sections 173.775 to 173.796 shall be construed as
3 a promise or guarantee by the coordinating board for higher education, or the
4 state of Missouri that a person will be admitted to a state institution of higher
5 education or to a particular state institution of higher education, will be allowed
6 to continue to attend an institution of higher education after having been
7 admitted, or will be graduated from an institution of higher education.]

2 [173.796. 1. As used in this section, the term "taxpayer" means an
3 individual, a partnership, or a corporation as described in section 143.441 or
4 143.471, and includes any charitable organization which is exempt from federal
5 income tax and whose Missouri unrelated business taxable income, if any, would
6 be subject to the state income tax imposed under chapter 143.

7 2. Any taxpayer may make a contribution to the fund. Within the limits
8 specified in subsection 3 of this section, a taxpayer shall be allowed a credit
9 against the taxes imposed pursuant to chapter 143, except for sections 143.191
10 to 143.265, on that individual or entity of up to fifty percent of the total amount
11 contributed to the fund, not to exceed one hundred thousand dollars per taxpayer.

12 3. The department of revenue shall administer the tax credits pursuant to
13 this section, and shall certify eligibility for the tax credits in the order
14 applications are received. The total amount of tax credits certified in any one
15 calendar year shall not exceed five million dollars annually. Contributions of up
16 to one hundred thousand dollars per annum per taxpayer may be certified by the
17 department of revenue as a qualified contribution for purposes of receiving a tax
18 credit under this program.

19 4. If the amount of tax credit exceeds the total tax liability for the year in
20 which the tax credit is claimed, the amount that exceeds the state tax liability may
21 be carried forward for credit against the taxes imposed pursuant to chapter 143,
22 except for sections 143.191 to 143.265, for the succeeding ten years, or until the
23 full credit is used, whichever occurs first.

24 5. For all tax years beginning on or after January 1, 2005, no tax credits
25 shall be authorized, awarded, or issued to any person or entity claiming any tax
26 credit under this section.

27 6. The provisions of this section shall become effective January 1, 1999.]

2 [178.930. 1. (1) Beginning July 1, 2009, and until June 30, 2010, the
3 department of elementary and secondary education shall pay monthly, out of the
4 funds appropriated to it for that purpose, to each sheltered workshop a sum equal
5 to ninety dollars for each standard workweek (Monday through Friday) of up to
6 and including thirty hours worked during the preceding calendar month.
7 Eighteen dollars shall be paid for each six-hour or longer day worked by a
8 handicapped employee on Saturdays or Sundays. For each handicapped worker
9 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

10 corresponding amount normally paid based on the percentage of time worked by
 11 the handicapped employee.

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

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

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

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

43
 [191.317. 1. All testing results and personal information obtained from
 2 any individual, or from specimens from any individual, shall be held confidential
 3 and be considered a confidential medical record, except for such information as
 4 the individual, parent or guardian consents to be released; but the individual must
 5 first be fully informed of the scope of the information requests to be released, of
 6 the risks, benefits and purposes for such release, and of the identity of those to
 7 whom the information will be released. Statistical data compiled without
 8 reference to the identity of any individual shall not be declared confidential.
 9 Notwithstanding any other provision of law to the contrary, the department may
 10 release the results of newborn screening tests to a child's health care professional.

11 2. The specimen shall be retained for five years after initial submission
 12 to the department. After five years, the specimen shall be destroyed. Unless
 13 otherwise directed under this section, a biological specimen may be released for
 14 purposes of anonymous scientific study. At the time of collection, the parent or
 15 legal guardian of the child from whom a biological specimen was obtained may
 16 direct the department to:

17 (1) Return a biological specimen that remains after all screening tests
 18 have been performed;

19 (2) Destroy a biological specimen in a scientifically acceptable manner
 20 after all screening tests required under section 191.331 or rule promulgated
 21 thereunder have been performed; or

22 (3) Store a biological specimen but not release the biological specimen
 23 for anonymous scientific study.

24 3. A biological specimen released for anonymous study under this section
 25 shall not contain information that may be used to determine the identity of the
 26 donor.]

27

2 [191.390. 1. There is hereby created within the department of health and
 3 senior services the "Missouri Fibromyalgia Awareness Initiative Program". The
 4 primary target population for such program shall be women between twenty and
 5 sixty years of age.

6 2. The department shall appoint and convene the "Missouri Fibromyalgia
 7 Panel" to be comprised of individuals who shall act in a voluntary capacity with
 8 knowledge and expertise regarding fibromyalgia research, prevention,
 9 educational programs, and consumer needs, to guide program development. The
 10 panel shall seek and is authorized to accept private, federal, or other public
 11 financial support, grants, or other appropriate moneys to support the program.
 12 The department shall provide the panel and program necessary administrative
 13 services and support.

13 3. The panel shall have the following duties:

14 (1) In consultation with the National Fibromyalgia Association, to raise
 15 at least fifty thousand dollars through private funding for the purpose of
 16 establishing a public information and outreach campaign for issues related to
 17 fibromyalgia, including appropriate educational material to promote early
 18 diagnosis and treatment, prevention of complications, improvement of quality of
 19 life at home and in the workplace, and addressing mental health and disability
 20 issues of fibromyalgia patients;

21 (2) To work with other state and local agencies to promote fibromyalgia
 22 education and training programs for physicians and other health professionals;
 23 and

24 (3) To examine the various pharmaceutical treatments available for
 25 fibromyalgia patients.

26 4. This section shall be implemented only to the extent that the panel
 27 obtains private funding for the purpose of this section.]

28

[191.425. 1. Upon receipt of federal funding in accordance with subsection 4 of this section, there is hereby established within the department of health and senior services the "Women's Heart Health Program" to provide heart disease risk screening to uninsured and underinsured women.

2. The following women shall be eligible for program services:

(1) Women between the ages of thirty-five and sixty-four years;

(2) Women who are receiving breast and cervical cancer screenings under the Missouri show me healthy women program;

(3) Women who are uninsured or whose insurance does not provide coverage for heart disease risk screenings; and

(4) Women with a gross family income at or below two hundred percent of the federal poverty level.

3. The department shall contract with health care providers who are currently providing services under the Missouri show me healthy women program to provide screening services under the women's heart health program. Screening shall include but not be limited to height, weight, and body mass index (BMI), blood pressure, total cholesterol, HDL, and blood glucose. Any woman whose screening indicates an increased risk for heart disease shall be referred for appropriate follow-up health care services and be offered lifestyle education services to reduce her risk for heart disease.

4. The women's heart health program shall be subject to receipt of federal funding which designates such funding for heart disease risk screening to uninsured and underinsured women. In the event that federal funds are not available for such program, the department shall not be required to establish or implement the program.]

26

[191.725. Beginning January 1, 1992, every licensed physician who provides obstetrical or gynecological care to a pregnant woman shall counsel all patients as to the perinatal effects of smoking cigarettes, the use of alcohol and the use of any controlled substance as defined in section 195.017, schedule I, II, or III for nonmedical purposes. Such physicians shall further have all patients sign a written statement, the form of which will be prepared by the director of the department of health and senior services, certifying that such counseling has been received. All such executed statements shall be maintained as part of that patient's medical file. The director of the department of health and senior services, in cooperation with the department of mental health, division of alcohol and drug abuse, shall further provide educational materials and guidance to such physicians for the purpose of assuring accurate and appropriate patient education.]

14

[191.733. The department of health and senior services shall establish and maintain a toll-free information line for the purpose of providing information

2

3 on resources for substance abuse treatment and for assisting with referral for
4 substance abusing pregnant women.]

5 [191.741. 1. The department of health and senior services shall
2 promulgate protocols based on a risk assessment profile based on substance
3 abuse, to be used by physicians or health care providers to identify high risk
4 pregnancies.

5 2. Upon notification by a physician or health care provider that a
6 pregnant woman has been identified as having a high risk pregnancy based on
7 such protocols, the department of health and senior services shall offer service
8 coordination services to such woman. Service coordination services shall include
9 a coordination of social services, health care and mental health services.]

10 [191.745. Beginning July 1, 1992, the director of the department of
2 health and senior services shall conduct periodic and scientifically appropriate
3 prevalence tests on a statistically significant sample of women or infants at the
4 time of delivery. Upon request from the department of health and senior services,
5 physicians who provide obstetrical or gynecological care shall obtain from their
6 patients at time of delivery, test samples and forward the same to a central
7 laboratory designated by the director of the department of health and senior
8 services. These samples shall be forwarded to such laboratory without any
9 identifying information as to the donor. The director may, however, require
10 demographic information necessary to interpret results.

11 The director of the department of health and senior services shall then conduct
12 such studies, through this and other means, as he deems appropriate to determine
13 the extent of use and harmful perinatal effects of cigarettes, alcohol and schedules
14 I, II and III controlled substances as defined in section 195.017. Periodic
15 screening results shall be compared to those of the preceding series of tests to
16 determine trends in pregnancy substance abuse and to assist in monitoring the
17 effectiveness of sections 191.725 to 191.735. Prevalence testing during the
18 prenatal period may be conducted in the same manner at the discretion of the
19 director of the department of health and senior services.]

20 [191.909. 1. By January 1, 2008, and annually thereafter, the attorney
2 general's office shall report to the general assembly and the governor the
3 following:

4 (1) The number of provider investigations due to allegations of violations
5 under sections 191.900 to 191.910 conducted by the attorney general's office and
6 completed within the reporting year, including the age and type of cases;

7 (2) The number of referrals due to allegations of violations under sections
8 191.900 to 191.910 received by the attorney general's office;

9 (3) The total amount of overpayments identified as the result of
10 completed investigations;

11 (4) The amount of fines and restitutions ordered to be reimbursed, with
 12 a delineation between amounts the provider has been ordered to repay, including
 13 whether or not such repayment will be completed in a lump sum payment or
 14 installment payments, and any adjustments or deductions ordered to future
 15 provider payments;

16 (5) The total amount of monetary recovery as the result of completed
 17 investigations;

18 (6) The total number of arrests, indictments, and convictions as the result
 19 of completed investigations. An annual financial audit of the MO HealthNet
 20 fraud unit within the attorney general's office shall be conducted and completed
 21 by the state auditor in order to quantitatively determine the amount of money
 22 invested in the unit and the amount of money actually recovered by such office.

23 2. By January 1, 2008, and annually thereafter, the department of social
 24 services shall report to the general assembly and the governor the following:

25 (1) The number of MO HealthNet provider and participant investigations
 26 and audits relating to allegations of violations under sections 191.900 to 191.910
 27 completed within the reporting year, including the age and type of cases;

28 (2) The number of MO HealthNet long-term care facility reviews;

29 (3) The number of MO HealthNet provider and participant utilization
 30 reviews;

31 (4) The number of referrals sent by the department to the attorney
 32 general's office;

33 (5) The total amount of overpayments identified as the result of
 34 completed investigations, reviews, or audits;

35 (6) The amount of fines and restitutions ordered to be reimbursed, with
 36 a delineation between amounts the provider has been ordered to repay, including
 37 whether or not such repayment will be completed in a lump sum payment or
 38 installment payments, and any adjustments or deductions ordered to future
 39 provider payments;

40 (7) The total amount of monetary recovery as the result of completed
 41 investigation, reviews, or audits;

42 (8) The number of administrative sanctions against MO HealthNet
 43 providers, including the number of providers excluded from the program. An
 44 annual financial audit of the program integrity unit within the department of
 45 social services shall be conducted and completed by the state auditor in order to
 46 quantitatively determine the amount of money invested in the unit and the
 47 amount of money actually recovered by such office.]
 48

[192.031. The department of health and senior services shall:

2 (1) Establish and promote hepatitis C education programs as an integral
 3 part of its health promotion and disease prevention efforts in order to raise public
 4 awareness, educate consumers, and educate and train health care professionals
 5 and human services providers; and

6 (2) Identify resources for hepatitis C education, screening and treatment
 7 and to coordinate the efforts of existing organizations with new programs and
 8 with each other so as to maximize education and access to services.]
 9

2 [192.033. The department of health and senior services may, in
 3 conjunction with existing or future health awareness programs for similar at-risk
 4 populations, use the following strategies for raising public awareness of the
 5 causes, including personal risk factors, and nature of hepatitis C, the value of
 6 prevention and early detection, and options for diagnosing and treating the
 7 disease:

- 8 (1) An outreach campaign utilizing print, radio, and television public
 9 service announcements, advertisements, posters, and other materials;
- 10 (2) Community forums;
- 11 (3) Health information and risk-factor assessment at public events;
- 12 (4) Targeting at-risk populations;
- 13 (5) Providing reliable information to policy makers;
- 14 (6) Distributing information through local health agencies, schools,
 15 employer wellness programs, physicians, hospitals, health maintenance
 16 organizations, prisons, sports leagues, nonprofit organizations, community-based
 17 organizations, state fairs and department of health and senior services offices;
- 18 (7) Identifying and obtaining educational materials, including brochures
 19 and videotapes, that translate accurately the latest scientific information on
 20 hepatitis C in easy-to-understand terms; and
- 21 (8) Building a statewide capacity to provide information and referrals on
 22 all aspects of hepatitis C, including, but not limited to, educational materials,
 23 counseling, and patient support groups.]

2 [192.036. 1. The department of health and senior services shall use the
 3 strategies, protocols, and guidelines adopted by the National Institutes of Health
 4 on hepatitis C for educating physicians and health professionals and training
 5 providers on the most recent scientific and medical information on hepatitis C
 6 detection, diagnosis, treatment, and therapeutic decision making.

- The guidelines may include, but not be limited to the following:
- 7 (1) Tracking and reporting of both acute and chronic cases of hepatitis
 8 C by public health officials;
 - 9 (2) A cost-efficient plan to screen the prison population subject to
 10 specific line item appropriation; and
 - 11 (3) After one year of screening, a report shall be issued to the general
 12 assembly regarding the results of the screening.

13 2. The duties prescribed in this section shall be subject to appropriations
 14 by the general assembly.]
 15

2 [192.640. As used in sections 192.640 to 192.644, the following terms
 mean:

3 (1) "Department", the department of health and senior services;
4 (2) "Osteoporosis", a bone disease characterized by a reduction in bone
5 density accompanied by increasing porosity and brittleness and associated with
6 loss of calcium from the bones.]
7

2 [192.642. 1. The department may establish, promote, and maintain an
3 osteoporosis prevention and education program to promote public awareness of
4 causes of osteoporosis, options for prevention, the value of early detection and
5 possible treatments, including the benefits and risks of those treatments.

6 2. The program shall include the following:

7 (1) Development of a public education and outreach campaign to
8 promote osteoporosis prevention and education, including but not limited to:

9 (a) Causes and nature of the disease;

10 (b) Risk factors;

11 (c) The role of hysterectomy;

12 (d) Prevention of the disease, including nutrition, diet, and physical
13 exercise;

14 (e) Diagnostic procedures and appropriate indications for their use;

15 (f) Hormone replacement, including benefits and risks;

16 (g) Environmental safety and injury prevention; and

17 (h) The availability of osteoporosis diagnostic treatment services in the
18 community;

19 (2) Development of educational materials to be made available for
20 consumers, particularly targeted toward high-risk groups, through local health
21 departments, local physicians, other health care providers and women's
22 organizations;

23 (3) Development of professional education programs for health care
24 providers to assist them in understanding research findings and the subjects set
25 forth in subdivision (2) of this subsection; and

26 (4) Development and maintenance of a list of current providers of
27 specialized services for the prevention and treatment of osteoporosis.
28 Dissemination of the list shall be accompanied by a description of diagnostic
29 procedures, appropriate indications for their use, and a cautionary statement about
30 the current status of osteoporosis research, prevention and treatment. The
31 statement shall also indicate that the department does not license, certify or in any
32 other way approve osteoporosis programs or centers in the state.

33 3. The department may conduct a needs assessment to identify:

34 (1) Available technical assistance and educational materials and
35 programs nationwide;

36 (2) The level of public and professional awareness about osteoporosis;

37 (3) The needs of osteoporosis patients, their families and caregivers;

38 (4) Needs of health care providers, including physicians, nurses,
39 managed-care organizations and other health care providers;

(5) The services available to osteoporosis patients;

- 40 (6) Existence of osteoporosis treatment programs;
- 41 (7) Existence of osteoporosis support groups;
- 42 (8) Existence of rehabilitation services; and
- 43 (9) Number and location of bone density testing equipment.]
- 44

2 [192.644. 1. The department may establish an osteoporosis advisory
 3 council to be appointed by the director of the department. The purpose of the
 4 advisory council is to assist the department in implementing sections 192.640 to
 5 192.644.

- 5 2. The advisory council shall include:
 - 6 (1) A person with osteoporosis;
 - 7 (2) A representative from a women's health organization;
 - 8 (3) A public health educator;
 - 9 (4) An expert in bone and osteoporosis research, prevention and
 10 treatment; and
 - 11 (5) Five health care providers, representing the following professions:
 - 12 (a) Radiology;
 - 13 (b) Orthopedics;
 - 14 (c) Nursing;
 - 15 (d) Physical therapy; and
 - 16 (e) Nutrition.
- 17 3. The members of the advisory council may not be compensated or
 18 reimbursed from state funds for their expenses in performing council duties.]
- 19

2 [192.729. 1. There is hereby established a state systemic lupus
 3 erythematosus program in the department of health and senior services. Subject
 4 to appropriations, the lupus program shall:

- 4 (1) Track and monitor the prevalence and incidents of lupus occurring
 5 throughout the state;
- 6 (2) Identify medical professionals and providers that are knowledgeable
 7 or specialize in the treatment of lupus and related diseases or illnesses; and
- 8 (3) Promote lupus research and public awareness through collaborations
 9 with academic partners throughout the state and local boards, including the
 10 Missouri chapter of the lupus foundation.
- 11 2. The department may utilize or expand existing programs such as the
 12 office on women's health, the office of minority health and the state arthritis
 13 program established in sections 192.700 to 192.727 to meet the requirements of
 14 this section.
- 15 3. The department may promulgate rules to implement the provisions of
 16 this section. No rule or portion of a rule promulgated pursuant to the authority
 17 of this section shall become effective unless it has been promulgated pursuant to
 18 chapter 536.]
- 19

2 [193.295. 1. Each local registrar shall be paid the sum of two dollars for
 3 each complete birth, death, spontaneous fetal death certificate transmitted by him
 4 or her to the state registrar in accordance with the regulations of the department.
 5 In case no birth, death or spontaneous fetal death was registered during any
 6 calendar month, the local registrar shall so report.

7 2. In cities or counties having a population of one hundred thousand or
 8 over, where health officers are conducting effective registration of births and
 9 deaths under local ordinances in accordance with this law, such officers being
 10 continued as registrars in and for such cities or counties as provided in this law,
 11 and being paid by such cities or counties salaries for their official services, said
 12 officers shall not be entitled to nor have power to collect any fee provided for in
 13 this section, but such salaries shall be in full compensation also for their services
 14 as registrars; provided that such cities or counties shall provide the office
 15 accommodations, clerical help, office furnishings and supplies necessary to
 16 enable such officer to properly perform the duties of registrar.]

2 [193.305. Upon certification by the state registrar to the commissioner
 3 of administration, the fees of local registrars shall be paid by the commissioner
 4 of administration out of funds appropriated to him for that purpose.]

2 [198.087. To ensure uniformity of application of regulation standards in
 3 long-term care facilities throughout the state, the department of social services
 4 shall:

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

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

16 (3) In addition to the provisions of subdivisions (1) and (2) of this
 17 section, the department shall develop a single uniform comprehensive and
 18 mandatory course of instruction for inspectors/surveyors on the practical
 19 application of enforcement of statutes, rules and regulations. Such course shall
 20 also be open to attendance by administrators and staff of facilities licensed
 21 pursuant to this chapter;

22 (4) With the full cooperation of and in conjunction with the department
 23 of health and senior services, evaluate the implementation and compliance of the
 24 provisions of subdivision (3) of subsection 1 of section 198.012 in which rules,
 requirements, regulations and standards pursuant to section 197.080 for assisted

25 living facilities, intermediate care facilities and skilled nursing facilities attached
 26 to an acute care hospital are consistent with the intent of this chapter; and

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

33

2 [198.527. To ensure uniformity of application of regulation standards in
 3 long-term care facilities throughout the state, the department of health and senior
 4 services shall:

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

9 (2) Periodically evaluate the performance of the inspectors or surveyors
 10 regionally and statewide to identify any deviations or inconsistencies in
 11 regulation application. At a minimum, the Missouri on-site surveyor evaluation
 12 process, and the number and type of actions overturned by the informal dispute
 13 resolution process under section 198.545 and formal appeal shall be used as part
 14 of the evaluation. Based on such evaluation, the department shall develop
 15 standards and a retraining process for the region, state, or individual inspector or
 16 surveyor, as needed;

17 (3) In addition to the provisions of subdivisions (1) and (2) of this
 18 section, the department shall develop a single uniform comprehensive and
 19 mandatory course of instruction for inspectors/surveyors on the practical
 20 application of enforcement of statutes, rules and regulations. Such course shall
 21 also be open to attendance by administrators and staff of facilities licensed
 22 pursuant to this chapter.]

23

2 [207.150. 1. The division of family services may, subject to
 3 appropriation, provide housing assistance to the parents of children who are at
 4 imminent danger of removal and placement or who are in the custody of the
 5 division pursuant to court order, if a primary barrier for keeping the child in the
 6 home or reuniting the child's family is the homeless condition of the parents and
 7 to parents who are at risk of having their family separated due to inadequate
 8 housing or homelessness. Housing assistance shall be provided pursuant to this
 9 section, based on the development of a family housing plan. The plan will
 10 address current needs, and the movement toward adequate housing and
 11 independence. Housing assistance shall not exceed the average market rate for
 12 the area, and the plan shall be provided on a month-to-month assessment, not to
 exceed six months. Such housing assistance may be in the form of rent subsidies,

13 rent arrears, deposits or other housing-related assistance sufficient to obtain
 14 adequate rental housing.

15 2. The division of family services shall designate a housing specialist
 16 within the division who shall be responsible for the administration and
 17 coordination of housing assistance funds.

18 3. The division of family services shall promulgate rules and regulations
 19 to carry out the provisions of this section. No rule or portion of a rule
 20 promulgated under the authority of this section shall become effective unless it
 21 has been promulgated pursuant to the provisions of section 536.024.]
 22

2 [208.178. 1. On or after July 1, 1995, the department of social services
 3 may make available for purchase a policy of health insurance coverage through
 4 the Medicaid program. Premiums for such a policy shall be charged based upon
 5 actuarially sound principles to pay the full cost of insuring persons under the
 6 provisions of this section. The full cost shall include both administrative costs
 7 and payments for services. Coverage under a policy or policies made available
 8 for purchase by the department of social services shall include coverage of all or
 9 some of the services listed in section 208.152 as determined by the director of the
 10 department of social services. Such a policy may be sold to a person who is
 otherwise uninsured and who is:

11 (1) A surviving spouse eligible for coverage under sections 376.891 to
 12 376.894, who is determined under rules and regulations of the department of
 13 social services to be unable to afford continuation of coverage under that section;

14 (2) An adult over twenty-one years of age who is not pregnant and who
 15 resides in a household with an income which does not exceed one hundred
 16 eighty-five percent of the federal poverty level for the applicable family size. Net
 17 taxable income shall be used to determine that portion of income of a
 18 self-employed person; or

19 (3) A dependent of an insured person who resides in a household with an
 20 income which does not exceed one hundred eighty-five percent of the federal
 21 poverty level for the applicable family size.

22 2. Any policy of health insurance sold pursuant to the provisions of this
 23 section shall conform to requirements governing group health insurance under
 24 chapters 375, 376, and 379.

25 3. The department of social services shall establish policies governing the
 26 issuance of health insurance policies pursuant to the provisions of this section by
 27 rules and regulations developed in consultation with the department of insurance,
 28 financial institutions and professional registration.]
 29

2 [208.179. 1. Subject to appropriations made for that purpose, a pilot
 3 project shall be created by the director of the division of medical services to
 4 provide up to one thousand residents of this state who become unemployed and
 receive unemployment compensation benefits pursuant to chapter 288 with

5 medical assistance during the period of time they continue to receive such
 6 unemployment compensation benefits.

7 2. The director of the division of medical services shall determine the
 8 amount and scope of benefits which are available under this section. The director
 9 may also establish utilization and cost limits for care delivered to the participants.
 10 Recipients qualifying for medical assistance under the provisions of this section
 11 shall be subject to cost-sharing requirements as determined by the director of the
 12 department of social services. Such cost-sharing requirements may include the
 13 payment of premiums, premium payment assistance, deductibles or coinsurance.
 14 The director shall specify these requirements in regulations.

15 3. The director of the division of medical services may elect to pay
 16 premiums for such eligible residents under continuation of benefit arrangements
 17 which may be available to such eligible residents through their former employer.

18 4. The director of the division of medical services shall promulgate such
 19 rules and regulations as may be necessary to implement the provisions of this
 20 section. No rule or portion of a rule promulgated under the authority of this
 21 section shall become effective unless it has been promulgated pursuant to the
 22 provisions of section 536.024.]
 23

2 [208.192. 1. By August 28, 2010, the director of the MO HealthNet
 3 division shall implement a program under which the director shall make available
 4 through its Internet website nonaggregated information on individuals collected
 5 under the federal Medicaid Statistical Information System described in the Social
 6 Security Act, Section 1903(r)(1)(F), insofar as such information has been
 7 de-identified in accordance with regulations promulgated under the Health
 8 Insurance Portability and Accountability Act of 1996, as amended. In
 9 implementing such program, the director shall ensure that:

10 (1) The information made so available is in a format that is easily
 11 accessible, useable, and understandable to the public, including individuals
 12 interested in improving the quality of care provided to individuals eligible for
 13 programs and services under the MO HealthNet program, researchers, health care
 14 providers, and individuals interested in reducing the prevalence of waste and
 15 fraud under the program;

16 (2) The information made so available is as current as deemed practical
 17 by the director and shall be updated at least once per calendar quarter;

18 (3) To the extent feasible, all health care providers, as such term is
 19 defined in subdivision (20) of section 376.1350, included in such information are
 20 identifiable by name to individuals who access the information through such
 21 program; and

22 (4) The director periodically solicits comments from a sampling of
 23 individuals who access the information through such program on how to best
 24 improve the utility of the program.

25 2. For purposes of implementing the program under this section and
 ensuring the information made available through such program is periodically

26 updated, the director may select and enter into a contract with a public or private
 27 entity meeting such criteria and qualifications as the director determines
 28 appropriate.

29 3. By August 28, 2011, and annually thereafter, the director shall submit
 30 to the general assembly and the MO HealthNet oversight committee, a report on
 31 the progress of the program under subsection 1 of this section, including the
 32 extent to which information made available through the program is accessed and
 33 the extent to which comments received under subdivision (4) of subsection 1 of
 34 this section were used during the year involved to improve the utility of the
 35 program.

36 4. By August 28, 2011, the director shall submit to the general assembly
 37 and the MO HealthNet oversight committee a report on the feasibility, potential
 38 costs, and potential benefits of making publicly available through an
 39 Internet-based program de-identified payment and patient encounter information
 40 for items and services furnished under Title XXI of the Social Security Act which
 41 would not otherwise be included in the information collected under the federal
 42 Medicaid Statistical Information System described in Section 1903(r)(1)(F) of
 43 such act and made available under Section 1942 of such act, as added by Section
 44 5008.

45 5. Pursuant to section 23.253 of the Missouri sunset act:

46 (1) The provisions of the new program authorized under this section shall
 47 automatically sunset six years after August 28, 2009, unless reauthorized by an
 48 act of the general assembly; and

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

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

55

2 [208.202. 1. The director of the MO HealthNet division, in collaboration
 3 with other appropriate agencies, is authorized to implement, subject to
 4 appropriation, a pilot project premium offset program for making standardized
 5 private health insurance coverage available to qualified individuals. Subject to
 6 approval by the oversight committee created in section 208.955, the division shall
 7 implement the program in two regions in the state, with one in an urban area and
 8 one in a rural area. Under the program:

8 (1) An individual is qualified for the premium offset if the individual has
 9 been uninsured for one year;

10 (2) An individual's income shall not exceed one hundred eighty-five
 11 percent of the federal poverty level;

12 (3) The premium offset shall only be payable for an employee if the
 13 employer or employee or both pay their respective shares of the required
 14 premium. Absent employer participation, a qualified employee, or qualified

15 employee and qualified spouse, may directly enroll in the MO HealthNet
 16 premium offset program;

17 (4) The qualified uninsured individual shall not be entitled to MO
 18 HealthNet wraparound services.

19 2. Individuals qualified for the premium offset program established under
 20 this section who apply after appropriation authority is depleted to pay for the
 21 premium offset shall be placed on a waiting list for that state fiscal year. If
 22 additional money is appropriated the MO HealthNet division shall process
 23 applications for MO HealthNet premium offset services based on the order in
 24 which applicants were placed on the waiting list.

25 3. No employer shall participate in the pilot project for more than five
 26 years.

27 4. The department of social services is authorized to pursue either a
 28 federal waiver or a state plan amendment, or both, to obtain federal funds
 29 necessary to implement a premium offset program to assist uninsured
 30 lower-income Missourians in obtaining health care coverage.

31 5. The provisions of this section shall expire June 30, 2011.]
 32

2 [208.309. 1. Sections 208.309 to 208.315 shall be known as the "Elders
 3 Volunteer for Elders Project (EVE) Act". Subject to appropriations, the
 4 department of social services, division of aging, shall review applications and
 5 award grants to at least three community provider organizations for the
 6 provisions of services which shall establish a three-year demonstration project
 7 designed to prevent the premature or unnecessary institutionalization of
 8 Missouri's low-income elderly citizens in specifically defined neighborhoods
 9 located in a city not within a county, a city with a population of more than three
 10 hundred fifty thousand inhabitants which is located in more than one county and
 in region 2 of the Missouri area agencies on aging.

11 2. As used in sections 208.309 to 208.315, the following terms mean:

12 (1) "Community provider organizations", any:

13 (a) Charitable organization as defined in section 407.453;

14 (b) Not-for-profit corporation established pursuant to chapter 355; or

15 (c) An organization that has obtained an exemption from the payment of
 16 federal income taxes as provided in section 501(c)(3), 501(c)(7) or 501(c)(8) of
 17 Title 26, U.S.C., as amended;

18 (2) "Division", division of aging of the department of social services;

19 (3) "Elderly low-income person", a Missouri citizen who is sixty years
 20 of age or older and whose income is at or below one hundred fifty percent of the
 21 federal poverty level;

22 (4) "Project", a demonstration project directed at Missouri's low-income
 23 elderly who are at risk of involuntary and unnecessary institutionalization;

24 (5) "Recipient", any elderly low-income person who is in need of
 25 assistance with at least one of the activities of daily life or assistance with

26 instrumental activities of daily living. The highest priority will be given to those
 27 at risk of incapacity adjudication.]

28

[208.311. The purpose of the EVE projects shall be:

2 (1) To help low-income elderly, adjudicated incapacitated or not, who
 3 live within a project's geographical location to obtain access to services to retain
 4 their independence and postpone consignment to nursing homes and to improve
 5 their quality of life;

6 (2) To advocate for low-income elderly during an incapacity adjudication
 7 hearing;

8 (3) To help those low-income elderly who become institutionalized and
 9 who can be restored sufficiently to return home, to do so; and

10 (4) To train and support mostly senior volunteers and to add volunteer
 11 work opportunities for healthy senior citizens.]

12

[208.313. 1. The division shall review applications and make grant
 2 awards to three community provider organizations who meet the criteria and
 3 requirements set forth in subsection 2 of this section. One of the community
 4 provider organizations shall be located in a city not within a county and the
 5 second shall be located in a city with a population of more than three hundred
 6 fifty thousand inhabitants which is located in more than one county and the third
 7 shall be located in region 2 of the Missouri area agencies on aging.

8 2. In order to be considered for selection as a demonstration project site
 9 a community provider organization shall file an application with the division and
 10 present the following information:

11 (1) A proposed program, including the approximate number of elderly
 12 citizens that the project is designed to reach in a specifically defined
 13 neighborhood;

14 (2) A proposed budget;

15 (3) A proposed program to recruit, train and retain volunteers as case
 16 managers and advocates for the low-income elderly of the defined neighborhood;

17 (4) A proposed client eligibility and screening process; and

18 (5) A proposed format to file an annual external audit and annual
 19 comprehensive evaluation of the services provided to the low-income elderly to
 20 the division of aging for consideration of potential statewide implementation.]

21

[208.315. The division of aging may continue or expand such programs
 2 within appropriations.]

3

[208.335. 1. The general assembly is committed to community renewal
 2 and revitalization, especially in high poverty areas. Community renewal depends
 3 on fostering a sense of belonging and a sense of community. Community
 4 renewal and revitalization are important for enhancing the quality of life for
 5 community residents. To this end, the general assembly supports the

6 development and use of community-based systems of support that include
7 traditional and nontraditional mechanisms for enhancing quality of life.

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

9 (1) "Community", an area of similar and like interests for developing an
10 infrastructure that supports a self-sufficiency pact, as established in section
11 208.325, while reducing the need for welfare except as a transitional benefit. A
12 community can include a group of blocks or a self-defined neighborhood in an
13 area;

14 (2) "Systems of support", a program, service or other activity with the
15 goal of alleviating poverty or improving the quality of life.

16 3. The department of social services in collaboration with the department
17 of economic development, department of labor and industrial relations,
18 department of health and senior services, department of mental health and other
19 agencies shall develop a comprehensive methodology to focus a blend of federal,
20 state and local resources on communities to address issues of poverty specific to
21 the community. Part of this methodology shall be specific strategies for the
22 coordinated use of existing job training programs at the local level, including
23 federal and state job training funds, and the private industry councils. The
24 elimination of duplication of services and the enhancing of access to existing
25 agencies shall be the primary goals of these strategies. The department of social
26 services shall also develop strategies for contracting at the community level with
27 public agencies and private not-for-profit organizations, community action
28 agencies, for the delivery of services to promote self-sufficiency; such services
29 may include the provision of child care, transportation, employment-readiness,
30 and job training. The methodology of the department of social services should
31 include, but need not be limited to:

32 (1) An inventory of community strengths and weaknesses, including the
33 availability of community services, businesses and individual volunteers;

34 (2) Assessing the potential for local residents, given sufficient training
35 and financial support, to provide for improved community services and
36 businesses;

37 (3) Provision of staff resources needed to help identify and inform local
38 residents about the program, organize public meetings, develop local leadership
39 and gain the commitment of local residents for the success of the project; and

40 (4) Giving preference to projects that would include small businesses
41 managed or owned by local residents. The director of the department of social
42 services shall establish pilot programs that promote local authority and decision
43 making. The department of social services shall give local communities, to the
44 maximum extent possible, authority to direct assistance in conjunction with local
45 resources to provide new and innovative ways of assisting people living in
46 poverty.

47 4. The department of social services shall accept applications and work
48 with other agencies, subject to appropriation, to establish a pilot project in a city
49 not within a county to develop and implement an alternative neighborhood,

50 community-based program for disadvantaged youths known as the "Youth Build
51 St. Louis" program.

52 5. Communities should submit a community revitalization plan to the
53 department of social services designed to strengthen local systems of support and
54 provide economic incentives for investment in the community.

55 6. Local resources shall be identified in the plan which shall be used to
56 expand the community's capacity to sustain residents' self-sufficiency. The plan
57 should be tailored to the community and should build on existing initiatives and
58 service delivery systems.

59 7. Community agencies which may include community action agencies
60 as defined in section 660.370 shall be used to manage revitalization programs and
61 support system development.

62 8. Community revitalization plans should include, but not be limited to,
63 the following components:

64 (1) Community cooperatives which expand the capacity to meet basic
65 needs such as child care;

66 (2) Transportation strategies, which make better use of existing
67 transportation resources through multisystem use and coordination;

68 (3) Health care strategies which maximize available resources for the
69 health and safety of the individuals residing in the community;

70 (4) Community support and volunteer involvement, which maximize
71 human resources and provide residents the opportunity to reinvest in their
72 neighborhoods, volunteer service banks, mentoring and adolescent-specific
73 programs may be included;

74 (5) Service integration, which improves efficacy and facilitates a
75 needs-based approach to service delivery. Service integration should include
76 common intake and referral strategies;

77 (6) Economic revitalization, which creates an environment of opportunity
78 and growth. Neighborhood assistance programs and other economic
79 development tools, such as investment incentives should be identified;

80 (7) Private sector involvement and investment, which ensures the
81 viability of the community is self-sustaining and involves the total community.
82 Community representation and private sector commitments should be specified;

83 (8) Prevention, which gives families in need of short-term assistance the
84 resources necessary to avoid long-term dependency.

85 9. Communities receiving assistance to implement a revitalization plan
86 should be provided with the following resources:

87 (1) Flexible funding, to facilitate the initial organization of community
88 resources and agencies for the purpose of plan implementation;

89 (2) Technical assistance, for the development of unified intake, referral
90 and service delivery strategies, and communication network systems;

91 (3) Expanded options, subject to waiver approval, such as wage
92 supplementation and resource and income disregards for welfare recipients to
93 increase the probability of economic independence;

94 (4) Evaluation of results, to monitor system effectiveness and program
 95 impact.

96 10. The provisions of this section shall be implemented as waivers
 97 necessary to ensure continued federal funding are received.]
 98

2 [208.500. 1. Sections 208.500 to 208.507 shall be known as
 3 "Transitional Benefits Demonstration Project". Subject to appropriations and
 4 receipt of a federal waiver, the division of family services shall establish a
 5 three-year demonstration project which shall provide transitional benefits to
 6 families who lose their eligibility for assistance under aid to families of
 7 dependent children because of an increase in earned income.

8 2. As used in sections 208.500 to 208.507, the following terms mean:

9 (1) "Child care", child care services provided by the division of family
 10 services;

11 (2) "Division", division of family services of the department of social
 12 services;

13 (3) "Medical services", those services provided for under section
 14 208.152;

15 (4) "Participant", any recipient who is participating in the demonstration
 16 project;

17 (5) "Project", a demonstration project directed at AFDC recipients who
 18 become ineligible for benefits due to an increase in earned income, in which such
 19 recipients can receive child care and medical services for an indefinite period of
 20 time, not to exceed three years, to assist in the transition from welfare to
 21 employment;

22 (6) "Recipient", any person receiving aid to families of dependent
 23 children benefits under section 208.040 or 208.041.]

2 [208.503. 1. The division shall select project participants from applicants
 3 who meet the criteria and requirements set forth in subsection 3 of this section.

4 2. Subject to appropriations, the division shall provide child care and
 5 medical services to no more than two hundred fifty head-of-household
 6 participants. Such child care and medical services will continue until the earned
 7 income of the participant is at least two times the minimum wage. The division
 8 shall deliver the transitional child care assistance through a vendor voucher
 9 payment or purchase of service system which requires that as the recipient's
 10 earned income increases, the recipient shall contribute to the cost of the
 11 assistance in accordance with a sliding scale fee established by rule.

12 3. In order to be considered for selection as a prospective project
 13 participant pursuant to sections 208.500 to 208.507:

14 (1) A person shall apply to the division to participate in the program;

15 (2) An applicant shall have been a recipient of AFDC benefits for at least
 twelve of the last thirty-six months preceding application;

- 16 (3) The applicant shall have become ineligible for AFDC benefits due to
- 17 an increase in earned income, within the year preceding application, or is
- 18 currently receiving transitional child care services as defined in section 208.400;
- 19 (4) The applicant shall be employed at the time of application and not
- 20 receiving employer paid child care or medical services;
- 21 (5) The applicant shall meet any other criteria as determined by the
- 22 division of family services.]
- 23

2 [208.505. The division of family services shall conduct research to
 3 determine the relationship between continued employment of former recipients
 4 and providing child care and medical services to participants and shall make
 5 recommendations to the general assembly concerning the continuation or
 6 modification of the project.]

2 [208.507. The division of family services shall make such application as
 3 necessary to receive federal waiver(s) and shall promulgate rules and regulations
 4 necessary to implement the provisions of sections 208.500 to 208.507. No rule
 5 or portion of a rule promulgated under the authority of this section shall become
 6 effective unless it has been promulgated pursuant to the provisions of section
 7 536.024.]

2 [208.612. The departments of social services, mental health, and health
 3 and senior services shall collaborate in addressing common problems of the
 4 elderly by entering into collaborative agreements and protocols with each other,
 5 private, public and federal agencies with the intent of creating one-stop shopping
 6 for elderly citizens to apply for all programs for which they are entitled. They
 7 shall devise one application form that will provide entry to all available elderly
 8 services and programs. Any public elderly service agency that commonly serves
 9 elderly persons shall make available and provide information relating to the
 10 one-stop shopping concept.]

2 [208.615. The division of aging shall devise and implement an unmet
 3 needs report which standardizes information expected from the various
 4 senior-serving agencies, such as the area agencies on aging, and defines the
 5 changing needs and problems of elderly citizens of the state, such as hunger,
 6 isolation, mental illness, crime and other factors affecting the health, safety and
 7 quality of life of elderly persons. Such a report shall be issued annually to the
 8 governor, the speaker of the house of representatives, the president pro tempore
 9 of the senate and the public.]

2 [208.700. 1. Sections 208.700 to 208.720 shall be known and may be
 3 cited as the "Welfare to Work Protection Act".

4 2. For purposes of sections 208.700 to 208.720, the following terms shall
 mean:

- 5 (1) "Department", the department of social services;
- 6 (2) "Direct placement program", any program in which an office of the
- 7 department has a prearranged agreement with a specific employer or employers
- 8 to supply such employer or employers with applicants;
- 9 (3) "Employer", an employer that operates the site where a public
- 10 assistance recipient is employed or placed, and shall not mean any placement
- 11 agency or temporary help service firm;
- 12 (4) "Supplemental wage assistance employment position", any position
- 13 in which the state of Missouri, through the department or any of its divisions,
- 14 reimburses the employer for a portion of the wages of such position as an
- 15 incentive to an employer for hiring designated individuals;
- 16 (5) "TANF benefits", temporary assistance for needy families benefits
- 17 provided pursuant to the Personal Responsibility and Work Opportunity
- 18 Reconciliation Act of 1996, as amended;
- 19 (6) "Work first program", a program in the department of social services
- 20 implementing the provisions of the Personal Responsibility and Work
- 21 Opportunity Reconciliation Act of 1996, as amended. The work first program is
- 22 not a relief or work training program for purposes of subsection 9 of section
- 23 288.034.]

24

2 [208.705. Any adult receiving benefits through the work first program

3 employed by or assigned to a subsidized or unsubsidized work activity with an

4 employer shall be considered an employee of the employer to the same extent as

5 other employees of the employer for purposes of all state and federal labor laws,

6 including, but not limited to, laws pertaining to collective bargaining,

7 occupational safety and health, workplace discrimination, unemployment

8 insurance, workers' compensation and minimum wage. Each participant

9 employed by or assigned to a subsidized or unsubsidized work activity with an

10 employer shall receive paid sick, holiday, vacation and all other leave time

11 equivalent to, and on the same basis as, the leave time paid to regular employees.

12 For purposes of this section, "employer" means the employer that operates the

13 site where the recipient is employed or placed, and does not include any

14 placement agency or temporary help service organization.]

2 [208.710. 1. A supplemental wage assistance employment position shall

3 be a new position within that place of employment.

4 2. Any individual or employee who believes that he or she has been

5 adversely affected by a violation of subsection 1 of this section or an organization

6 that is authorized to represent such individual or employee shall be afforded an

7 opportunity to grieve it. Such individual or employee, or such individual's or

8 employee's organization, shall first attempt to remedy the alleged violation

9 through a meeting with the employer within thirty days of the request for a

10 meeting. If the complaint is not resolved to the satisfaction of the individual or

employee, such individual or employee may appeal to the department of labor

11 and industrial relations commission, and the hearing shall be conducted in
 12 accordance with rules and notification requirements adopted by the commission
 13 and a decision shall be rendered within forty-five days of such hearing. If the
 14 individual or employee is aggrieved by the decision of the commission, the
 15 individual or employee may, within thirty days of the date of such decision, file
 16 a petition for review in the circuit court for the county in which the individual or
 17 employee resides.

18 The commission shall not be a party in the action before the circuit court.
 19 However, if there is an existing grievance procedure in a collective bargaining
 20 agreement, such procedure shall be followed. Remedies shall include
 21 reinstatement, and retroactive pay and benefits.

22 3. Nothing in this section shall preempt or supersede any provision of
 23 state law which provides greater protection for employees from job
 24 displacement.]
 25

2 [208.715. 1. Direct placement programs are not required to sanction the
 3 public assistance recipient who refuses employment or an offer of employment
 4 for the following reasons and conditions:

5 (1) Three or fewer employers are direct placement program participants
 6 and such employment or offer of employment requires travel to and from the
 7 place of employment and the recipient's home which exceeds a total of two hours
 8 in round-trip time, inclusive of the time necessary to transport family members
 9 to a school or place providing child care, or when walking is the only available
 10 means of transportation, the round-trip is more than four miles; or

11 (2) The employment or offer of employment involves conditions that are
 12 in violation of applicable health and safety standards.

13 2. Nothing in this section shall preempt or supersede any provision of
 14 state law which provides greater protections for public assistance recipients from
 15 sanctioning.]

2 [208.720. The department of social services shall maintain lists of
 3 employers used in supplemental wage assistance programs, direct placement
 4 programs and community work experience programs. The lists shall include the
 5 number of clients placed with such employers year to date. Reporting of
 6 employer lists and client placement with such employers from service delivery
 7 areas to the department shall be made quarterly. Such program employer lists
 8 shall be made available to the public upon request.]

2 [215.054. 1. The commission shall administer, in cooperation with the
 3 department of mental health, a fund to be known as the "Mental Health Housing
 4 Trust Fund", which is hereby created in the state treasury.

5 2. Notwithstanding any other provision of the law to the contrary, any
 6 proceeds received by the state from the sale of surplus real property formerly
 used by the department of mental health shall, upon appropriation, be paid into

7 the mental health housing trust fund. Moneys in the mental health housing trust
8 fund shall be invested by the state treasurer in the same deposits and obligations
9 in which state funds are authorized by law to be invested; except that, the income
10 accruing from such funds shall be credited to the mental health housing trust fund
11 on an annual basis.

12 3. Interest earned on moneys held in the mental health housing trust fund
13 may, upon appropriation, be used to:

14 (1) Finance the rental, purchase, construction or substantial rehabilitation
15 of community-based housing for clients of the department of mental health who
16 have a mental illness, developmental disability or are chemically dependent,
17 through grants or loans or both;

18 (2) Support department of mental health housing voucher expenses for
19 department of mental health clients;

20 (3) Pay subsidies and administrative costs of consumer home-ownership
21 programs, for the department of mental health clients;

22 (4) Provide matching grants for federal, state or local housing projects
23 which serve clients of the department of mental health;

24 (5) Fifty percent of proceeds from the sale of habilitation center property
25 shall, subject to appropriations, be used for the construction or substantial
26 renovation of habilitation centers.

27 4. The department of mental health shall work in cooperation with the
28 commission in selecting the projects which are to be funded. The commission
29 shall review the proposals for financial feasibility. The commission shall fund
30 those projects which are financially feasible and which are approved by the
31 department of mental health, in the priority order established by the department.
32 To the maximum extent possible, the proceeds of the sale of surplus property
33 formerly used by the department of mental health shall be invested in those
34 municipalities which comprised the population catchment area of the facility
35 being disposed of and in other municipalities in great need as determined by the
36 department.

37 5. The commission shall manage the mental health housing trust fund.
38 Such management shall include, but not be limited to, accepting deposits,
39 reviewing and funding projects approved by the department of mental health, and
40 reporting to the department of mental health on fund activities.

41 6. Notwithstanding the provisions of section 33.080 to the contrary,
42 money in the fund shall not be transferred and placed to the credit of general
43 revenue at the end of the biennium, except by appropriation.

44 7. Notwithstanding the provisions of subsection 2 of this section, the
45 proceeds of the sale of real property known as the St. Joseph State Hospital shall
46 not be paid into the mental health housing trust fund but shall be used for the
47 construction of the new state hospital in St. Joseph, Missouri.]
48

2 [217.378. 1. As used in this section, the term "Missouri regimented
discipline program" means a program of institutional correctional alternatives in
3 discipline, exercise, and treatment.

4 2. The department of corrections shall establish by regulation the
5 Missouri regimented discipline program including rules determining how and
6 when a defendant shall be admitted into or removed from the program.

7 3. Eligibility for the court to impose a sentence to the Missouri
8 regimented discipline program requires:

9 (1) That the individual so sentenced is on felony probation at the time of
10 the court's consideration, that the conditions of the probation have been violated,
11 that the probationer is subject to revocation and that other community alternatives
12 have been exhausted; or

13 (2) The court determines that in the absence of the Missouri regimented
14 discipline program the individual would be committed to the department of
15 corrections to serve a prison term; and

16 (3) The availability of space in the program which shall be determined
17 by the department of corrections. If the court is advised that there is no space
18 available, the court shall consider other authorized dispositions;

19 (4) That the individual so sentenced must be between the age of
20 seventeen and twenty-five and shall not have a prior felony conviction.

21 4. Any time prior to one hundred twenty days after commitment of such
22 defendant to the department, the department shall prepare and file with the circuit
23 court a report on the progress of the defendant in the Missouri regimented
24 discipline program.

25 5. If, within one hundred twenty days after commitment of the defendant,
26 the court is advised by the department of corrections of the individual's successful
27 completion of the regimented discipline program, the court shall cause the
28 individual to be placed on probation prior to the expiration of the
29 one-hundred-twenty-day period. Failure of the individual to complete the
30 program shall be cause to void the right to be considered for probation on this
31 sentence and the individual will serve the sentence prescribed.]
32

2 [261.105. 1. The department of agriculture shall make demonstration
awards, out of appropriations made for that purpose, to the center for sustainable
3 agricultural systems of the University of Missouri college of agriculture for the
4 development and coordination of demonstration projects on the lands of
5 individual farmers in this state which identify, develop and demonstrate
6 agricultural technologies and farm management strategies in food and fiber
7 production carried out under actual farming conditions that will reduce the
8 dependency of food and fiber production on nonrenewable inputs. In any one
9 fiscal year, no more than thirty such demonstration project awards shall be made
10 and no award shall exceed four thousand five hundred dollars for any one
11 demonstration project. The department of agriculture, in cooperation with the
12 University of Missouri college of agriculture and the University of Missouri

13 extension service, shall promulgate rules and regulations necessary to carry out
 14 the provisions of this section and for the identification of demonstration projects
 15 and award areas. The demonstration projects shall be selected on a broad
 16 geographical basis so that each agricultural area of the state is represented as
 17 nearly as practicable. The demonstration projects shall be selected on the basis
 18 of innovative practices based on competitive applications received. Each
 19 demonstration project shall be monitored by the University of Missouri extension
 20 service and a report of the project shall be made to the department of agriculture.

21 2. No rule or portion of a rule promulgated pursuant to the authority of
 22 this section shall become effective unless it has been promulgated pursuant to the
 23 provisions of chapter 536. Any rule or portion of a rule, as that term is defined
 24 in section 536.010, that is promulgated under the authority delegated in this
 25 section shall become effective only if it has been promulgated pursuant to the
 26 provisions of chapter 536. Nothing in this section shall be interpreted to repeal
 27 or affect the validity of any rule filed or adopted prior to August 28, 1999, if it
 28 fully complied with the provisions of chapter 536. This section and chapter 536
 29 are nonseverable and if any of the powers vested with the general assembly
 30 pursuant to chapter 536 to review, to delay the effective date or to disapprove and
 31 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
 32 authority and any rule proposed or adopted after August 28, 1999, shall be invalid
 33 and void.]
 34

2 [261.110. 1. The department of agriculture shall develop standards and
 labeling for organic farming.

3 2. The department of agriculture shall adopt rules to implement the
 4 provisions of this section.

5 3. The department may cooperate with any agency of the federal
 6 government, any state, any other agency in this state, any private entity or person
 7 engaged in growing, processing, marketing of organic products, or any group of
 8 such persons in this state, in programs to effectuate such purposes.
 9 Such agreements may provide for cost and revenue sharing, and for division of
 10 duties and responsibilities under this section and may include other provisions
 11 generally to effectuate the purposes of this section.

12 4. Any rule or portion of a rule, as that term is defined in section 536.010,
 13 that is created under the authority delegated in this section shall become effective
 14 only if it complies with and is subject to all of the provisions of chapter 536 and,
 15 if applicable, section 536.028. This section and chapter 536 are nonseverable and
 16 if any of the powers vested with the general assembly pursuant to chapter 536 to
 17 review, to delay the effective date or to disapprove and annul a rule are
 18 subsequently held unconstitutional, then the grant of rulemaking authority and
 19 any rule proposed or adopted after August 28, 2002, shall be invalid and void.]
 20

2 [261.120. There is hereby created in the state treasury the "Organic
 Production and Certification Fee Fund". Fees imposed in accordance with rules

3 promulgated under section 261.110 shall be credited to the organic production
 4 and certification fee fund.]
 5

2 [262.460. 1. The director of the department of agriculture may pay to
 3 nonprofit county and district fairs and to regularly organized or incorporated
 4 nonprofit agricultural societies having as their object the holding of shows,
 5 exhibitions or fairs for the advancement of agriculture in Missouri as partial
 6 reimbursement of premiums paid a percentage not to exceed fifty percent of
 7 premiums actually paid by the organizations on approved classes as enumerated
 8 in this section. Money received as entry fees and deductions from premiums
 9 shall not be considered as premiums paid by the organization and the total
 10 amount paid as state aid on the premiums to shows or fairs in any one county
 11 shall not exceed thirty-five thousand dollars in any one year, if funds are
 12 available. These payments are to be prorated to all participating fairs on a
 13 percentage basis of premiums paid on standard classifications approved by the
 14 director of the department of agriculture.

15 2. The director of the department of agriculture shall grant such state aid
 16 only on premiums paid on approved classes of:

- 17 (1) Cattle, swine, sheep, goats, farm work stock, including mules shown
 18 to halter or farm vehicles, jack stock and light horses to halter;
- 19 (2) Poultry, eggs, rabbits and dairy products;
- 20 (3) Field, garden and horticultural products;
- 21 (4) Home economic products;
- 22 (5) 4-H and vocational agriculture projects including F.F.A.;
- 23 (6) Exhibits by educational institutions.

24 3. Counties, municipalities, or other political subdivisions may be
 25 eligible for matched assistance of not to exceed two thousand five hundred
 26 dollars annually to any one such subdivision, for the purpose of new
 27 constructions, remodeling, maintaining, repairing, or otherwise making fair
 28 buildings more suitable for fair purposes, upon compliance with the requirements
 29 of sections 262.460 to 262.465.

30 4. As used in sections 262.460 to 262.465, the following terms mean:

- 31 (1) "Director", the state director of the department of agriculture;
- 32 (2) "Fair buildings", the youth and agricultural facilities in which a fair
 33 is conducted and which are owned by the county or municipality or political
 34 subdivision, and are used principally for holding a county fair or community fair.]

2 [453.322. As used in this section and section 453.325, the following
 3 terms shall mean:

- 4 (1) "Division", the division of family services in the department of social
 5 services;
- 6 (2) "Maintenance of effort", state funds appropriated for the aid to
 7 families with dependent children (AFDC), emergency assistance, AFDC-related
 child care and the JOBS program;

8 (3) "Temporary assistance for needy families", the federal block grant
9 moneys available to the state for public assistance benefits and programs
10 authorized by the Personal Responsibility and Work Opportunity Reconciliation
11 Act of 1996, and commonly known as "TANF".]
12

[453.325. 1. The division of family services in the department of social
2 services shall, subject to appropriations, establish the "Grandparents as Foster
3 Parents Program". The grandparents as foster parents program recognizes that:

4 (1) Raising a grandchild differs from when the grandparents raised their
5 own children;

6 (2) Caring for a grandchild often places additional financial, social and
7 psychological strain on grandparents with fixed incomes;

8 (3) Different parenting skills are necessary when raising a grandchild and
9 many grandparents do not possess such skills, are not aware of how to obtain
10 such skills and cannot afford access to the services necessary to obtain such
11 skills;

12 (4) Grandparents, like nonrelative foster parents, need a support structure,
13 including counseling for the grandchild and caretaker, respite care and
14 transportation assistance and child care;

15 (5) The level of care provided by grandparents does not differ from
16 nonrelative foster care, but reimbursement for such care is substantially less for
17 grandparents; and

18 (6) Grandparents are often unaware of the cash assistance alternatives to
19 the federal TANF block grant funds which are available to support the
20 grandchildren placed in their care.

21 2. A grandparent shall be eligible to participate in the grandparents as
22 foster parents program if such grandparent:

23 (1) Is fifty years of age or older;

24 (2) Is the legal guardian of a grandchild placed in such grandparent's
25 custody;

26 (3) Has an annual household income of less than two hundred percent of
27 the federal poverty level; and

28 (4) Participates in the training available through the division pursuant to
29 subsection 4 of this section. The division shall annually review the eligibility of
30 grandparents participating in the program.

31 3. If there are no grandparents of a child who are willing to participate in
32 the grandparents as foster parents program, the division may include in the
33 program any other close relative who becomes the legal guardian of the child or
34 obtains legal custody of the child, as granted by a court of competent jurisdiction
35 if such relative also meets the requirements of subdivisions (1), (3) and (4) of
36 subsection 2 of this section.

37 4. Subject to appropriations, the grandparents as foster parents program:

38 (1) Shall provide reimbursement up to seventy-five percent of the current
 39 foster care payment schedule to eligible grandparents, as defined in subsection
 40 2 of this section, for the care of a grandchild;

41 (2) Shall establish program requirements, including, but not limited to,
 42 participation in foster parent training, parenting skills training, childhood
 43 immunizations and other similar health screens;

44 (3) Shall provide continuing counseling for the child and grandparent;

45 (4) May provide support services, including, but not limited to, respite
 46 care, child care and transportation assistance. Eligibility for child-care services
 47 pursuant to this program shall be based on the same eligibility criteria used for
 48 other child-care benefits provided by the division of family services;

49 (5) Shall provide Medicaid services to such child;

50 (6) May provide ancillary services, such as child care, respite care,
 51 transportation assistance and clothing allowances, but not direct financial
 52 payments to the participants in the program after such participants complete the
 53 training required in subdivision (2) of this subsection; and

54 (7) Shall establish criteria for the reduction in cash benefits received by
 55 any grandparent providing care for three or more grandchildren pursuant to the
 56 grandparents as foster parents program.

57 5. Funding for cash benefits and other assistance provided to eligible
 58 grandparents shall be made from the state maintenance of effort funds. The
 59 provisions of this section shall not be construed to create an entitlement for
 60 participants in the program.

61 6. Grandparents who are either under fifty years of age, or are fifty years
 62 of age or older and refuse to participate in the training pursuant to subsection 2
 63 of this section but who meet the requirements of subdivisions (1), (2) and (3) of
 64 subsection 2 of this section, may apply to the division for foster care
 65 reimbursement and assistance. Such cash and noncash assistance shall be funded
 66 through the TANF funds. Any work participation and time limit requirements
 67 pursuant to the Personal Responsibility and Work Opportunity Reconciliation
 68 Act of 1996, as amended, shall apply to all such persons.]

69 [476.415. 1. There is hereby created a "Commission on Judicial
 2 Resources", to be comprised of the following persons:

3 (1) A circuit court judge elected by the circuit court judges of the state;

4 (2) A judge of the court of appeals elected by the judges of the court of
 5 appeals of the state;

6 (3) An associate circuit judge elected by the associate circuit judges of
 7 the state;

8 (4) A senior judge under the provisions of section 476.001 appointed by
 9 the supreme court;

10 (5) An attorney appointed by the board of governors of the Missouri Bar;

11 (6) The chairman of the judiciary committee of the senate;

12 (7) The chairman of the judiciary committee of the house of
13 representatives;

14 (8) A member of the appropriations committee of the senate, appointed
15 by the president pro tem;

16 (9) A member of the budget committee of the house of representatives,
17 appointed by the speaker;

18 (10) The executive director of the public defender commission; and

19 (11) One prosecuting or circuit attorney elected by the prosecuting and
20 circuit attorneys of this state.

21 2. The legislative members of the commission shall serve during the
22 period they hold the committee assignments qualifying them for the office. The
23 appointed and elective members shall serve for two years and until their
24 successors are appointed and qualified. If a vacancy occurs in any of the
25 appointed or elected members, a successor shall be appointed or elected by the
26 body originally appointing or electing the position for whom the vacancy occurs
27 for the remainder of the unexpired term. The commission shall meet within sixty
28 days after the appointment of the members at the call of the chief justice of the
29 supreme court and shall meet subsequently at the call of the chairman. The
30 commission shall elect its own officers as necessary. The members of the
31 commission shall receive no compensation for their services, but shall be
32 reimbursed for their actual and necessary expenses paid out of appropriations
33 made for that purpose except that senior judges shall be credited for time actually
34 spent in the performance of duties according to section 476.682.

35 3. The commission shall have full access to the reports filed pursuant to
36 section 476.412, examine and prepare a digest of such reports, conduct a
37 comprehensive study of the state's judicial system, assess the needs, priorities,
38 workload, case management and general performance of the court system and for
39 the judges thereof. The commission shall make an annual report to the supreme
40 court and the general assembly before the convening of each session of the
41 general assembly in which they shall detail the true state of the judicial system
42 in this state, its success or inability to handle the caseload, and the efficiency of
43 disposition of judicial business and the administration of justice. The report shall
44 detail the utilization of judges transferred between circuits and of senior judges
45 as provided in section 476.681, including an appraisal of the effect that the
46 appointment of senior judges and transfer of judges has on the efficiency of the
47 courts and the reduction of caseloads. The report shall include a detailed
48 breakdown of the needs of specific courts and the commission's
49 recommendations.

50 4. The clerk of the supreme court shall provide suitable staff for the
51 commission out of any funds appropriated for this purpose. The commission may
52 seek and receive gifts, donations and grants in aid from private or other sources
53 to defray expenses incurred in its assessment of judicial resources.]
54

2 [491.640. 1. The prosecutors coordinators training council, as established
 3 in section 56.760, may, upon the council's own initiative or at the request of the
 4 attorney general, any prosecuting attorney or law enforcement agency, provide
 5 for the security of witnesses, potential witnesses and their immediate families in
 6 criminal proceedings instituted or investigations pending against a person alleged
 7 to have engaged in a violation of state law.

8 Providing for witnesses may include provision of housing facilities and for the
 9 health, safety and welfare of such witnesses and their immediate families, if
 10 testimony by such a witness might subject the witness or a member of his
 11 immediate family to danger of bodily injury, and may continue so long as such
 12 danger exists.

13 2. The prosecutors coordinators training council may authorize the
 14 purchase, rental or modification of protected housing facilities for the purpose of
 15 this section. The council may contract with any department of federal or state
 16 government to obtain or to provide the facilities or services to carry out this
 17 section.

18 3. The prosecutors coordinators training council may authorize
 19 expenditures to provide for the health, safety and welfare of witnesses and
 20 victims, and the families of such witnesses and victims, whenever, in his
 21 judgment, testimony from, or a willingness to testify by, such a witness or victim
 22 would place the life of such person, or a member of his family or household, in
 23 jeopardy. Applications by requesting law enforcement agencies under this
 24 section must include but not necessarily be limited to:

- 25 (1) Statement of conditions which qualify persons for protection;
- 26 (2) Precise methods the originating agency will use to provide protection,
 27 including relocation of persons and reciprocal agreements with other law
 28 enforcement agencies;
- 29 (3) Statement of projected costs over a specified period of time.

30 4. The prosecutors coordinators training council may delegate
 31 administration of the program set forth in this section to the executive director of
 32 the Missouri office of prosecution services. Subject to appropriations from the
 33 general assembly for the purposes provided for in this section, funds may be
 34 appropriated from the Missouri office of prosecution services fund set forth in
 35 subsection 2 of section 56.765, general revenue or federal funds. Under no
 36 circumstance shall the expenditures from general revenue for the purposes
 37 provided for in this section exceed the amount of ninety-five thousand dollars,
 38 if and when appropriated by the general assembly for such purposes.]

2 [595.212. 1. Each prosecuting attorney shall create and maintain, but not
 3 be limited to, a program to afford victims and witnesses of crimes the rights and
 4 services described in sections 595.200 to 595.215.

5 2. State funding shall be only for rights and services actually afforded
 6 victims and witnesses of crimes as set forth in sections 595.200 to 595.215. State
 and local government agencies which seek state funding shall have an operating

7 victims' services program before said agency seeks state funding. The attorney
8 general's office through the Missouri office of prosecution services utilizing
9 existing staff and volunteers shall approve agency programs before such agency
10 seeks state funding. Said approved programs shall be funded by the general
11 assembly within the limits of funds appropriated for such purposes.]
12

2 [620.1020. There is hereby created within the department of economic
3 development a "Business Extension Service Team" program. The purpose of the
4 teams shall be to provide technical and management assistance to Missouri
5 businesses, to improve their competitiveness and increase their market share of
6 the economy, to assist businesses with the introduction of improved production
7 processes, and to assist the businesses with their job training needs. Each team
8 shall inform the Missouri training and employment council of specific job
9 training needs which it identifies for an individual business or general job
10 training needs which it recommends for the state. A team may recommend that,
11 by means of contract, feasibility studies or productivity assessments be performed
12 for businesses. Businesses to be assisted may include those faced with employee
13 layoffs, plant closings or financial instability. The expenses of a team shall be
14 financed by state and federal appropriations, local governments, economic
15 development organizations, private contributions and fees paid by assisted
16 businesses.]

2 [620.1023. 1. There is hereby created in the state treasury a revolving
3 fund to be administered by the department of economic development to be known
4 as the "Business Extension Service Team Fund". The fund shall consist of all
5 moneys which may be appropriated to it by the general assembly, gifts,
6 contributions, grants or bequests received from federal, private or other sources.
7 A percentage of the moneys in such fund shall be used by the department for
8 grants or loans for qualified community development projects in order to create
9 or retain jobs in any city not within a county, any city with a population of three
10 hundred fifty thousand or more inhabitants which is located in more than one
11 county, any fourth class city with a population of at least three thousand five
12 hundred inhabitants but not more than five thousand five hundred inhabitants
13 which is located in a county of the first classification with a charter form of
14 government with a population of at least nine hundred thousand inhabitants, and
15 any third class city with a population of at least three thousand inhabitants but not
16 more than five thousand five hundred inhabitants which is located in a county of
17 the first classification with a charter form of government with a population of at
18 least nine hundred thousand inhabitants, and shall be targeted toward
19 economically blighted urban districts for new businesses, expansion of existing
20 businesses and for employee training and housing. The department may require
21 such grants or loans to be made on a matching fund basis. Any city that receives
22 funding from the business extension service team fund may use up to ten percent
of such grant or loan for administrative costs. As used in this subdivision,

23 "economically blighted urban districts" means areas which meet all of the
 24 following criteria:

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

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

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

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

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

49 2. The department of economic development may use a percentage of the
 50 moneys in the fund established in subsection 1 of this section to directly contract
 51 with community development corporations established pursuant to section
 52 135.400 for the provision of job training or for creating or retaining jobs in any
 53 area meeting the criteria outlined in subsection 1 of this section.

54 3. All moneys remaining in the business extension service team fund at
 55 the end of the fiscal year shall not lapse to the general revenue fund, as provided
 56 in section 33.080, but shall remain in the business extension service team fund.]
 57

2 [620.1025. The director of the department of economic development
 shall:

3 (1) Review requests for assistance submitted by Missouri companies,
 4 including those in financial difficulty and in danger of closing;

5 (2) Determine which companies that submit requests could be helped by
 6 a plan developed by a team;

7 (3) Select the members of a team. The members shall be composed of
 8 persons with knowledge and experience in a field which is, as nearly as possible,
 9 similar to the business. The members shall be:

- 10 (a) Experienced corporate managers on loan from successful businesses;
- 11 (b) Specialists, from businesses or institutions of higher education, in
- 12 areas of finance, business modernization, manufacturing, engineering, law or
- 13 marketing;
- 14 (c) Successful retired business executives; and
- 15 (d) Government officials;
- 16 (4) Supply to a team such professional, technical, legal, stenographic and
- 17 clerical help as may be necessary for it to perform its duties.]

18

[620.1027. A business extension service team shall:

- 2 (1) Develop a plan for a successful applicant to help the company to
- 3 become more competitive. The plan may include, but is not limited to,
- 4 recommendations for changes in:
- 5 (a) Management strategies;
- 6 (b) Modernization of processes or equipment;
- 7 (c) Job training;
- 8 (d) Development of new markets;
- 9 (2) Assist companies in obtaining financing from private and government
- 10 sources, if they decide to implement a team plan;
- 11 (3) Assist companies in implementing the recommendations of the team
- 12 plan.]

13

[620.1028. 1. The department of economic development may directly contract with regional, not-for-profit organizations to work with regional offices of the department and with businesses located within respective regions to help with the selection of team members and in the selection of consultants to perform feasibility studies and productivity assessments.

2. The following factors shall be considered by a business extension service team in determining whether or not to recommend the provision of a productivity assessment or feasibility study to a business:

- 9 (1) The potential viability of the business;
- 10 (2) The commitment of management and labor to jointly participate in
- 11 a productivity improvement program; and
- 12 (3) The potential for job retention and advancement of the business's
- 13 existing employees.]

14

[620.1029. 1. The director of the department of economic development may promulgate rules and regulations for the operation of the business extension service team program.

2. All information regarding the financial condition, marketing plans, manufacturing processes, production costs, productivity rates, customer lists, or other trade secrets and proprietary information of a business requesting assistance from a business extension service team shall be confidential and exempt from public disclosure.]

8

9

2 [620.1100. 1. The "Youth Opportunities and Violence Prevention
3 Program" is hereby established in the division of community and economic
4 development of the department of economic development to broaden and
5 strengthen opportunities for positive development and participation in community
6 life for youth, and to discourage such persons from engaging in criminal and
7 violent behavior. For the purposes of section 135.460, this section and section
8 620.1103, the term "advisory committee" shall mean an advisory committee to
9 the division of community and economic development established pursuant to
10 this section composed of ten members of the public. The ten members of the
11 advisory committee shall include members of the private sector with expertise in
12 youth programs, and at least one person under the age of twenty-one. Such
13 members shall be appointed for two-year terms by the director of the department
14 of economic development.

15 2. The "Youth Opportunities and Violence Prevention Fund" is hereby
16 established in the state treasury and shall be administered by the department of
17 economic development. The department may accept for deposit into the fund any
18 grants, bequests, gifts, devises, contributions, appropriations, federal funds, and
19 any other funds from whatever source derived. Moneys in the fund shall be used
20 solely for purposes provided in section 135.460, this section and section
21 620.1103. Any unexpended balance in the fund at the end of a fiscal year shall
22 be exempt from the provisions of section 33.080 relating to the transfer of
23 unexpended balances to the general revenue fund.

24 3. The department of economic development in conjunction with the
25 advisory committee shall establish program criteria and evaluation methods for
26 tax credits claimed pursuant to section 135.460. Such criteria and evaluation
27 methods shall measure program effectiveness and outcomes, and shall give
28 priority to local, neighborhood, community-based programs. The department
29 shall monitor and evaluate all programs funded pursuant to section 135.460, this
30 section and section 620.1103. Such programs shall provide a priority for
31 applications from areas of the state which have statistically higher incidence of
32 crime, violence and poverty and such programs shall be funded before the
33 programs which have applied from areas which do not exhibit crime, violence,
34 and poverty to the same degree. The committee shall focus and support specific
35 programs designed to generate self-esteem and a positive self-reliance in youth
36 and which abate youth violence.

37 4. The department shall develop and operate a database which lists all
38 participating and related programs. The database shall include indexes and cross
39 references and shall be accessible by the public by computer-modem connection.
40 The division of data processing and telecommunications of the office of
41 administration and the department of economic development shall cooperate with
42 the advisory committee in the development and operation of the program.]

2 [620.1103. 1. Notwithstanding any provision of law to the contrary, the
 3 department may in its discretion assign moneys from the youth opportunities and
 4 violence prevention fund to any entity designated by the department, for
 5 programs designated in section 135.460, section 620.1100 and this section,
 6 including, but not limited to, schools, state agencies, political subdivisions and
 7 agencies thereof, not-for-profit corporations or not-for-profit organizations, the
 8 Missouri youth conservation corps, community action agencies, caring
 9 community programs, or any other entity or program such as any early childhood
 10 program, including, but not limited to, the parents as teachers program or similar
 11 programs; provided that, such assignment of funds does not exceed fifteen
 12 percent of the total value of the fund, and provided further that no more than ten
 13 percent of such funds assigned shall be used for administrative purposes.

14 2. Any entity receiving funds pursuant to the youth opportunities and
 15 violence prevention act shall sign an agreement to utilize such funds for the
 16 programs designated in section 135.460, section 620.1100 and this section. The
 17 state auditor may conduct an audit to monitor the utilization of funds assigned by
 18 the department. If an entity uses funds for purposes other than for the programs
 19 designated in section 135.460, section 620.1100 and this section, the department
 20 shall require the entity to repay such funds to the department.]

2 [630.575. 1. There is hereby established within the department of mental
 3 health the "Missouri Eating Disorder Council" which shall consist of the
 4 following persons to be selected by and the number of members to be determined
 5 by the director of the department of mental health:

- 6 (1) Director's designees from the department of mental health;
- 7 (2) Eating disorder researchers, clinicians, and patient advocacy groups;

8 and

- 9 (3) The general public.

10 2. The council shall:

- 11 (1) Oversee the eating disorder education and awareness programs
 established in section 630.580;
- 12 (2) Identify whether adequate treatment and diagnostic services are
 13 available in the state; and
- 14 (3) Assist the department of mental health in identifying eating disorder
 15 research projects.

16 3. Members of the council shall serve four-year terms, with the initial
 17 terms of the members staggered as two-year, three-year, and four-year terms. The
 18 members of the council may be reappointed. The members of the council shall
 19 not receive compensation for their service on the council, but may, subject to
 20 appropriation, be reimbursed for their actual and necessary expenses incurred as
 21 members of the council.

22 4. The council shall conduct an organizational meeting at the call of the
 23 director of the department of mental health. At such meeting, the council shall
 24 select a chair and vice chair of the council. Subsequent meetings of the council

25 shall be called as necessary by the chair of the council or the director of the
 26 department of mental health.]

27

2 [633.180. 1. A family with an annual income of sixty thousand dollars
 3 or less which has a child with a developmental disability residing in the family
 4 home shall be eligible to apply for a cash stipend from the division of
 5 developmental disabilities in an amount to be determined by the regional
 6 advisory council. Such cash stipend amount shall not exceed the maximum
 7 monthly federal Supplemental Security Income payment for an individual with
 8 a developmental disability who resides alone. Such stipend shall be paid on a
 9 monthly basis and shall be considered a benefit and not income to the family.
 10 The stipend shall be used to purchase goods and services for the benefit of the
 11 family member with a developmental disability. Such goods and services may
 include, but are not limited to:

- 12 (1) Respite care;
- 13 (2) Personal and attendant care;
- 14 (3) Architectural and vehicular modifications;
- 15 (4) Health- and mental health-related costs not otherwise covered;
- 16 (5) Equipment and supplies;
- 17 (6) Specialized nutrition and clothing;
- 18 (7) Homemaker services;
- 19 (8) Transportation;
- 20 (9) Integrated community activities;
- 21 (10) Training and technical assistance; and
- 22 (11) Individual, family and group counseling.

23 2. Application for such stipend shall be made to the appropriate regional
 24 center. The regional center shall determine the eligibility of the individual to
 25 receive services from the division and the division shall forward the application
 26 to the regional advisory council to determine the amount of the stipend which
 27 may be approved by the council.

28 3. The family support program shall be funded by moneys appropriated
 29 by the general assembly; however, the family support program shall not supplant
 30 other programs funded through the division of developmental disabilities.]

31

2 [633.185. 1. The division of developmental disabilities, subject to
 3 appropriation by the general assembly, is authorized to implement and
 4 administer, as part of the family support program, a family support loan program,
 5 which shall provide a family with an annual income of sixty thousand dollars or
 6 less which has an individual with a developmental disability residing in the
 7 home, with low-interest, short-term loans to purchase goods and services for the
 family member with a developmental disability.

8 2. Interest rates on loans made pursuant to the provisions of this section
 9 shall be no more than one percent above the prime interest rate as determined by
 10 the federal reserve system on the date the loan is approved. Loans may be for a

11 maximum period of sixty months and the outstanding loan amount to any family
 12 may be no more than ten thousand dollars.

13 3. Applications for loans shall be made to the appropriate regional center.
 14 The regional center shall determine the eligibility of the individual to receive
 15 services from the division and the division shall forward the application to the
 16 regional advisory council to determine the amount of the loan which may be
 17 approved by the council.

18 4. There is hereby created in the state treasury for use by the department
 19 of mental health a fund to be known as the "Family Support Loan Program
 20 Fund". Moneys deposited in the fund shall be appropriated to the director of the
 21 department of mental health to be used for loans pursuant to this section. The
 22 fund shall consist of moneys appropriated by the general assembly for starting the
 23 fund and money otherwise deposited according to law. Any unexpended balance
 24 in the fund at the end of any biennium, not to exceed twice the annual loans made
 25 pursuant to this act in the previous fiscal year, is exempt from the provisions of
 26 section 33.080 relating to the transfer of unexpended balances to the ordinary
 27 revenue fund.]
 28

2 [660.016. If the state's net federal reimbursement allowance for fiscal
 3 year 1994 and subsequent fiscal years exceeds one hundred thirty million dollars,
 4 the department of social services shall include in its 1995 fiscal year budget
 5 recommendation that any revenues in excess of one hundred thirty million dollars
 6 subject to appropriation be designated for the following purposes:

7 (1) Loans for physicians and nurses who will serve in medically
 8 underserved areas of Missouri as designated by the director of health and senior
 9 services;

10 (2) Primary and preventive care initiatives, including parenting classes,
 11 as determined by the directors of health and senior services and social services;
 12 and

13 (3) Transitional Medicaid expenses of AFDC recipients who accept
 14 employment which does not provide a medical benefit. As used in this section,
 15 "net federal reimbursement allowance" shall mean that amount of the federal
 16 reimbursement allowance in excess of the amount of state matching funds
 17 necessary for the state to make payments required by subsection 1 of section
 18 208.450, or, if the payments exceed the amount so required, the actual payments
 19 made for the purposes specified in subsection 1 of section 208.450.

20 This section shall cease to be in effect if the revenues generated by sections
 21 208.450 to 208.480 become ineligible for federal financial participation, if
 22 payments cease to be made pursuant to section 208.471, or if such sections expire
 23 in accordance with section 208.480.]

2 [660.019. For the purposes of sections 660.019 to 660.021, the following
 terms mean:

- 3 (1) "Caseload standards", the minimum and maximum number of cases
- 4 that an employee can reasonably be expected to perform in a normal work month
- 5 based on the number of cases handled by, or the number of different job functions
- 6 performed by, the employee;
- 7 (2) "Department", the department of social services;
- 8 (3) "Director", the director of the department of social services;
- 9 (4) "Professional caseload standards", caseload standards that are
- 10 established by the director, after consideration of caseload standards established
- 11 by national setting authorities such as the Child Welfare League, National
- 12 Eligibility Workers Associations and the National Association of Social Workers,
- 13 or caseload standards used in other states which have similar job titles.]
- 14

[660.020. 1. The director shall develop caseload standards based on the actual duties of employees in each program area of the department, after considering recommendations of the caseload standards advisory committee, established pursuant to section 660.021, and consistent with existing professional caseload standards.

2. In establishing standards pursuant to sections 660.019 to 660.021, the director shall:

- 3 (1) Ensure the standards are based on the actual duties of the caseworker;
- 4 (2) Ensure the standards are consistent with existing professional caseload standards; and
- 5 (3) Consider standards developed by other states for workers in similar positions of employment.

3. Such standards shall be used by the director as the basis of the department's personnel budget request to the governor.

4. If an employee has failed to satisfactorily complete assignments that are in excess of specified caseload standards, good faith efforts to complete such assignments shall be among the factors considered in the employee's performance evaluation.

5. Subject to appropriations, the department shall use the standards established pursuant to sections 660.019 to 660.021 to assign caseloads to individual employees.]

[660.021. 1. The director shall convene, at least biannually, a caseload standards committee which shall consist of seven nonsupervisory employees of the department and three division directors of the department or their designees. A representative of the employees' certified majority organization shall also serve on the committee in an advisory capacity, but may not vote on any measure before the committee. The caseload standards advisory committee shall include as nearly as possible employees from each program area of the department.

2. The caseload standards advisory committee shall review professional and other caseload standards and recommendations the committee considers

10 appropriate and recommend to the department minimum and maximum caseloads
11 for each category of workers employed by the department.]

12

2

[660.530. As used in sections 660.530 to 660.545, the following terms mean:

3

(1) "Child day care center", a community facility which provides care to
4 a child age six weeks to fourteen years. Such care shall be provided for a portion
5 of the day, and less than twenty-four hours outside the home in a facility licensed
6 and approved in accordance with applicable local, state and federal standards for
7 child day care;

8

(2) "Director", the director of the department of social services;

9

(3) "Residential health care facility", a facility licensed pursuant to the
10 provisions of chapter 198;

11

(4) "Senior citizen services center", a community facility which provides
12 to older adults a combination of services, including the provision of health,
13 social, educational and recreational services.]

14

2

[660.532. 1. Notwithstanding any other provision of law to the contrary,
with the amounts made available therefor by appropriation, a "Combined Senior
3 Citizen Services Center/Residential Health Care Facility/Child Day Care Center
4 Community Grants Program" is hereby established on a pilot project basis. The
5 purpose of such a program shall be to promote innovative and cost-effective
6 means of providing existing or proposed senior citizen services center or
7 residential health care facilities and child day care centers in a combined center.
8 Such centers shall provide and combine, to the extent possible and financially
9 feasible, services that include, but are not limited to, staffing and administration,
10 transportation, nutrition and health, and the costs of utilities, heat, insurance and
11 rent or mortgages.

12

13

2. Grants may be awarded for combining separately existing programs
14 or for combining newly proposed programs. Such grants necessary to combine
15 programs shall be limited to start-up costs that may include planning and
16 administrative costs for the purpose of combining such programs, moving
17 expenses and minor capital improvements and up to the first two months'
18 expenses for salaries or wages, training, rent or mortgage payments, utilities and
19 insurance or such other start-up costs identified and approved by the director of
the department of social services.]

20

2

[660.534. The director of the department of social services shall
promulgate rules and regulations necessary to implement and administer the
3 combined senior citizen services center/child day care center or residential health
4 care facility/child day care center community grants program as provided for in
5 sections 660.530 to 660.545 on a pilot project basis. No rule or portion of a rule
6 promulgated under the authority of this chapter shall become effective unless it
7 has been promulgated pursuant to the provisions of section 536.024.]

8

[660.535. 1. Public and private not-for-profit organizations and corporations shall be eligible for purposes of application for grants provided for in sections 660.530 to 660.545 subject to any rules or regulations promulgated by the director. Two or more organizations may join together for the purposes of sections 660.530 to 660.545.

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2. General business corporations, public and private, and not-for-profit corporations, partnerships, limited partnerships, associations, and sole proprietorships shall be eligible for purposes of application for grants provided for in sections 660.530 to 660.545 subject to any rules or regulations promulgated by the director. Two or more organizations may join together for the purposes of sections 660.530 to 660.545.]

[660.537. The director shall publicize the availability of moneys to be used for the purposes of sections 660.530 to 660.545. The director shall request, on forms prescribed by him, such information as he determines relevant and necessary to the evaluation of each application. The director shall solicit comments on the application from other concerned agencies such as the designated area agency on aging, the local division of family services office, the local department of health and from other groups concerned with the needs of the elderly or children.]

[660.539. The application shall include plans for coordinating, combining and consolidating existing or proposed senior citizen services centers, or residential health care facilities and child day care centers. Such applications shall include to the extent possible:

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(1) The start-up costs necessary only to combine such programs. Such costs may include planning and administrative expenses for the purpose of combining such programs, moving expenses and minor capital improvements, and up to the first two months' expenses for salaries or wages, training, rent or mortgage payments, utilities and insurance and such other start-up costs identified and approved by the director;

11
12

(2) An outline of steps to be taken to ensure the health, safety and welfare of the program participants;

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16

(3) Innovative utilization of operating funds, which may include, but not be limited to, pooling of administrative and support staff, insurance costs, maintenance costs, transportation services, nutrition services, energy costs, building space, health services and supplies;

17
18

(4) The impact and effectiveness of the program in meeting the community's need for such programs;

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20

(5) The range and type of services to be offered and the number and types of personnel to be employed;

21

(6) Coordination with other community services;

22 (7) Sources of revenue during the term of the pilot project and anticipated
 23 revenue sources after the project terminates, and the manner in which all
 24 available reimbursement for services will be sought;

25 (8) Such other information as required by the director to satisfy him that
 26 senior citizen services center, residential health care and child day care
 27 regulations and licensing requirements have been met;

28 (9) Such other information as deemed pertinent by the director.]
 29

[660.541. 1. The director shall review and, where necessary, require
 2 modifications and, upon such modifications, approve no fewer than three
 3 applications.

4 2. A grant amount available under this program shall not exceed the total
 5 start-up costs necessary only to combine existing or newly proposed programs,
 6 less any income from governmental, third party or any other sources that may be
 7 available for the purpose of combining such programs.

8 3. Grants shall be made available for each combined program on a
 9 one-time basis.

10 4. Notwithstanding any other provision of law to the contrary, costs
 11 incurred combining such programs or attributable to the operation of the child
 12 care center may not be transferred to a residential health care facility for purposes
 13 of reimbursement under Title XIX of the federal Social Security Act nor shall
 14 funding for combining such programs be substituted for funds provided under the
 15 Federal Older Americans Act of 1965 as amended, the Social Service Block
 16 Grants under Title XX of the Social Security Act, or any other federal, state or
 17 local funding.

18 5. Upon approval thereof, the director shall determine the amount of
 19 payment and shall contract with each grantee who has an approved application
 20 for payment of the start-up costs of the pilot project.]
 21

[660.543. Each grantee receiving payments under the provisions of
 2 sections 660.530 to 660.545 shall submit to the director within a reasonable
 3 period of time specified by the director, a report following guidelines prepared
 4 by the director which shall include, but not be limited to:

5 (1) The manner in which payments as provided by subdivision (3) of
 6 section 660.539 were expended;

7 (2) A description of the scope, status and quality of the project funded;

8 (3) The extent to which the program reduced expenditures or realized
 9 savings;

10 (4) The impact and effectiveness of this program in meeting the
 11 community's needs for senior citizen services, residential health care and child
 12 day care and the social benefit the program provided to the children and senior
 13 citizens in the program;

14 (5) The extent to which the program coordinated services with other
 15 community services; and

16 (6) The manner in which all available reimbursement for services has
 17 been sought, and the manner in which such reimbursement was expended.]
 18

[660.545. The director shall prepare a summary of the reports required
 2 by section 660.543 and incorporate them into an annual report, and submit such
 3 report to the governor, the speaker of the house of representatives and the
 4 president pro tem of the senate by January fifteenth of each year beginning
 5 January 15, 1992. Such annual reports shall include any recommendations for
 6 legislation.]
 7

[660.725. 1. Each area agency on aging may establish a program that
 2 provides for volunteers to provide transportation within the geographic area of
 3 the agency to elderly persons to health care facilities for scheduled appointments
 4 or for other health care-related purposes.

5 2. Such volunteers shall utilize their own vehicles and shall be
 6 reimbursed for miles driven to provide transportation for elderly persons under
 7 the program. The area agency on aging may pay each volunteer a mileage
 8 allowance or reimbursement at the same rate as for state employees under section
 9 33.095.

10 3. The area agency on aging may encourage passengers under the
 11 program to reimburse the agency for all or part of the cost of providing such
 12 transportation services.

13 4. Any volunteer seeking a mileage allowance or reimbursement shall
 14 submit a monthly report to the agency detailing the transportation services
 15 provided, the dates of such services, and the miles driven. The agency may
 16 request further information from the volunteer on the monthly report.

17 5. Subject to appropriations, each area agency on aging may request
 18 funding of up to one thousand dollars annually per county for each county within
 19 the agency's jurisdiction from the department of health and senior services to
 20 assist with the costs associated with administering this program.

21 6. Pursuant to section 23.253 of the Missouri sunset act:

22 (1) Any new program authorized under this section shall automatically
 23 sunset six years after August 28, 2007, unless reauthorized by an act of the
 24 general assembly; and

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

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

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