

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1608
96TH GENERAL ASSEMBLY

4398L.03T

2012

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, 160.375, 160.542, 160.950, 161.182, 161.235, 161.800, 162.1010, 162.1168, 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, 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, 191.390, 191.425, 191.727, 191.733, 191.735, 191.741, 191.745, 191.909, 192.640, 192.642, 192.644, 192.729, 193.295, 193.305, 198.086, 198.527, 198.531, 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, 217.105, 217.378, 261.105, 261.110, 261.120, 262.460, 421.028, 453.322, 453.325, 476.415, 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 four new sections for the sole purpose of repealing unfunded and obsolete programs.

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

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.

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, 160.375, 160.542, 160.950, 161.182, 161.235, 161.800, 3 162.1010, 162.1168, 167.229, 167.290, 167.292, 167.294, 167.296, 167.298, 167.300, 167.302, 4 167.304, 167.306, 167.308, 167.310, 167.320, 167.322, 167.324, 167.326, 167.328, 167.330, 5 167.332, 168.430, 168.550, 168.555, 168.560, 168.565, 168.570, 168.575, 168.580, 168.585, 6 168.590, 168.595, 168.600, 169.580, 170.254, 173.053, 173.055, 173.198, 173.199, 173.267, 7 173.500, 173.510, 173.515, 173.520, 173.525, 173.530, 173.535, 173.545, 173.550, 173.555, 8 173.560, 173.565, 173.724, 173.727, 191.390, 191.425, 191.727, 191.733, 191.735, 191.741, 9 191.745, 191.909, 192.640, 192.642, 192.644, 192.729, 193.295, 193.305, 198.086, 198.527, 10 198.531, 207.150, 208.153, 208.178, 208.179, 208.192, 208.202, 208.309, 208.311, 208.313, 11 208.315, 208.335, 208.500, 208.503, 208.505, 208.507, 208.612, 208.615, 208.700, 208.705, 12 208.710, 208.715, 208.720, 217.105, 217.378, 261.105, 261.110, 261.120, 262.460, 421.028, 13 453.322, 453.325, 476.415, 633.180, 633.185, 660.016, 660.019, 660.020, 660.021, 660.530, 14 660.532, 660.534, 660.535, 660.537, 660.539, 660.541, 660.543, 660.545, and 660.725, RSMo, 15 are repealed and four new sections enacted in lieu thereof, to be known as sections 191.425, 16 198.527, 208.153, and 208.178, to read as follows:

191.425. 1. Upon receipt of federal funding in accordance with subsection 4 of this 2 section, there is hereby established within the department of health and senior services the 3 "Women's Heart Health Program" to provide heart disease risk screening to uninsured and 4 underinsured women.

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

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

7 (2) Women who are receiving breast and cervical cancer screenings under the Missouri 8 show me healthy women program;

9 (3) Women who are uninsured or whose insurance does not provide coverage for heart 10 disease risk screenings; and

11 (4) Women with a gross family income at or below two hundred percent of the federal 12 poverty level.

13 3. The department shall contract with health care providers who are currently providing 14 services under the Missouri show me healthy women program to provide screening services 15 under the women's heart health program. Screening shall include but not be limited to height, 16 weight, and body mass index (BMI), blood pressure, total cholesterol, HDL, and blood glucose. 17 Any woman whose screening indicates an increased risk for heart disease shall be referred for 18 appropriate follow-up health care services and be offered lifestyle education services to reduce 19 her risk for heart disease.

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

24 **5. Under section 23.253 of the Missouri sunset act:**

25 **(1) The provisions of the program authorized under this section shall automatically**
26 **sunset three years after the effective date of this section unless reauthorized by an act of**
27 **the general assembly; and**

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

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

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

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

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

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

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.

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

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

12 (2) An adult over twenty-one years of age who is not pregnant and who resides in a
13 household with an income which does not exceed one hundred eighty-five percent of the federal

14 poverty level for the applicable family size. Net taxable income shall be used to determine that
15 portion of income of a self-employed person; or

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

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

21 3. The department of social services shall establish policies governing the issuance of
22 health insurance policies pursuant to the provisions of this section by rules and regulations
23 developed in consultation with the department of insurance, financial institutions and
24 professional registration.

25 **4. Under section 23.253 of the Missouri sunset act:**

26 **(1) The provisions of the program authorized under this section shall automatically**
27 **sunset one year after the effective date of this section unless reauthorized by an act of the**
28 **general assembly; and**

29 **(2) If such program is reauthorized, the program authorized under this section**
30 **shall automatically sunset one year after the effective date of the reauthorization of this**
31 **section; and**

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

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,
or other unit of the executive branch of state government except for the

5 department of conservation, the department of transportation, the department of
6 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

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

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

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

2 [37.330. The forms management unit shall:

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

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

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

11 (4) Require that all new or revised forms be purchased or printed only
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

2 [37.340. The unit shall be responsible for the design, redesign,
3 numbering, and standardization of all forms used by state agencies. The unit may
4 consolidate forms so as to be usable for more than one purpose, shall eliminate
5 outdated, obsolete and unneeded forms, and shall give assistance to agencies in
6 designing forms so as to provide for more useful information. No agency shall
7 print or have printed any new or revised form until such form has been approved
8 by the unit. The unit shall attempt to standardize letterheads, business cards,
9 envelopes and other similar materials so that economies of scale may be readily
10 obtained. In designing forms for agencies, the unit shall confer with appropriate
11 representatives of the agency to determine that only such information as is
12 necessary or relevant to the agency's functions is being collected on forms of the
13 agency.]

13

2 [37.360. The unit shall offer its services to agencies within the legislative
3 and judicial branches of government, and to those agencies of the executive
4 branch which are otherwise excepted from the provisions of sections 37.300 to
5 37.390, 109.250 and 181.100 to 181.110.]

5

2 [37.370. Each agency shall designate at least one employee as a records
3 coordinator. The records coordinator shall, on behalf of the agency, be
4 responsible for seeing that every form used by the agency is presented to the unit
5 for cataloging and identification and shall be responsible for ensuring that record
6 retention programs established by the state records commission are being
7 followed and observed.]

7

2 [37.390. Any purchase made which is contrary to the provisions of
3 sections 37.300 to 37.390 shall not result in any liability to the state, but the
4 person authorizing such purchase shall be personally liable for any debt so
5 incurred.]

5

2 [37.500. The office of administration shall establish a central registry in
3 which accredited not-for-profit human service providers may submit
4 confirmation of accreditation by a nationally recognized accrediting body and
5 related information. The office of administration shall issue a vendor number to
6 be recognized for state purchasing.]

6

2 [42.014. 1. The Missouri general assembly shall, through appropriations
as provided by law, encourage the development of any veterans' programs

2

3 approved by the executive director of the veterans' commission whereby the
4 historical significance of veteran service can be dedicated to education inside
5 public schools, veteran cemeteries, veteran homes, and other institutions as
6 determined by rule and regulation.

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
assembly from the veterans' historical education trust fund shall only be used by

18 the lieutenant governor for purposes authorized pursuant to section 42.014 and
19 shall not be used to supplant any existing program or service.

20 4. The provisions of section 33.080 requiring all unexpended balances
21 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 [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
be appropriated to it by the general assembly, and in addition may include any

37 gifts, contributions, grants, or bequests received from federal, state, private, or
38 other sources. The fund shall be administered by the department of elementary
39 and secondary education. The state treasurer shall be custodian of the fund and
40 may approve disbursements from the fund in accordance with sections 30.170
41 and 30.180. Upon appropriation, moneys in the fund shall be used solely for the
42 administration of the Missouri senior cadets program. Notwithstanding the
43 provisions of section 33.080 to the contrary, any moneys remaining in the fund
44 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
by the federal program. The department shall develop a method to evaluate the

21 effectiveness of each school's implementation of the chosen research-based
22 program for purposes of granting or denying second-year funding.

23 3. The grant program shall provide sufficient technical assistance to
24 ensure that small schools that lack personnel with expertise in applying for grants
25 are not prevented from applying. Added priority shall be given to schools which
26 have been designated as academically deficient pursuant to section 160.538.
27 Added priority shall be given to groups of schools that form consortia for the
28 purpose of applying for the grant funds as a means of encouraging schools in
29 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

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

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

22 (1) A collaborative approach between the school district and various
23 community organizations, including nonprofit organizations, local governmental

24 organizations, law enforcement agencies, approved public institutions and
25 approved private institutions as such terms are defined in section 173.1102, and
26 institutions able to deliver proven, research-based intervention services;

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

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

32 (4) The implementation or augmentation of the following basic core
33 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.]

11

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

11 may not be used, proposed methods and documents of cooperation with the host
12 school or school district in the case of nonschool applicants pursuant to
13 subsection 3 of this section, and the form of grant applications.

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

15 b. Having low scores on tests of academic achievement and scholastic
16 aptitude;

17 c. Having low grades and academic deficiencies;

18 d. Having a history of failure and being held back in school;

19 e. Having language problems or being from a non-English speaking
20 home; or

21 f. Not having access to appropriate educational programs.

22 (b) A student may also be considered "at risk" if the student has any of
23 the following:

24 a. A parent or sibling who dropped out of school;

25 b. Experienced numerous family relocations;

26 c. Poor social adjustment, or deviant social behavior;

27 d. Employment of more than twenty hours per week while school is in
28 session;

29 e. Been the victim of racial or ethnic prejudice;

30 f. Low self-esteem and expectations of teachers, parents, and the
31 community;

32 g. A poorly educated mother or father;

33 h. Children of their own;

34 i. A deprived environment that slows economic and social development;

35 j. A fatherless home;

36 k. Been the victim of personal or family abuse, including substance
37 abuse, emotional abuse, and sexual abuse;

38 (2) "Department", the department of elementary and secondary education;

39 (3) "Institution of higher education", a four year college or university
40 located in the state of Missouri;

41 (4) "Program", the volunteer and parents incentive program;

42 (5) "Qualifying public school", a school located in Missouri that:

43 (a) Is located in a school district that has been classified by the state
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
12 be provided to the local school board or boards, as requested, by the department
13 of elementary and secondary education. The provisions of other law to the
14 contrary notwithstanding, the state board of education may exempt from
15 certification requirements not more than two members of the management team.
16 One member of the five-member management team shall be designated as
17 principal of the project school.

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

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

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

37 4. No penalty provided for in, or pursuant to, section 160.538 and section
38 163.023 shall apply for any school participating in the project.

39 5. The state board of education shall waive, for participating schools,
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.

12 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 9. The department shall develop standards for teacher-pupil ratios,
40 classroom size, teacher training and educational attainment, and curriculum.

41 10. Grantees participating in the program shall give admission preference
42 to dependents of active duty military personnel.

43 11. School districts in which such pilot programs exist shall collect data
44 about short-term and long-term student performance so that the program may be
45 evaluated on quantitative measurements developed by the department. For
46 purposes of this subsection, "long-term" shall mean from point of entry to
47 graduation from high school.

48 12. Grantees shall coordinate preschool programs with the nearest parents
49 as teachers site to ensure a continuum of care.

50 13. The department shall accept applications in a competitive bid process
51 to begin implementation of the program for the 2010-11 school year.

52 14. The department shall promulgate rules and regulations necessary to
53 implement this section by January 1, 2010. Any rule or portion of a rule, as that
54 term is defined in section 536.010, that is created under the authority delegated
55 in this section shall become effective only if it complies with and is subject to all
56 of the provisions of chapter 536 and, if applicable, section 536.028. This section
57 and chapter 536 are nonseverable and if any of the powers vested with the general
58 assembly pursuant to chapter 536 to review, to delay the effective date, or to
59 disapprove and annul a rule are subsequently held unconstitutional, then the grant
60 of rulemaking authority and any rule proposed or adopted after August 28, 2009,
61 shall be invalid and void.

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

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

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

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

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

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

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".]

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

4 (1) "Board", the state board of education;

5 (2) "Contribution", a facility, personnel, transportation, or supplies that
6 are to be used in operating the program;

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

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

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

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

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
7 with any not-for-profit corporation.

8 2. The general assembly may make an annual appropriation to the fund
9 established under section 167.296 for the purpose of providing the state's portion
10 for the grants to the program.

11 3. The program shall be administered by the state board of education
12 according to the provisions of sections 167.290 to 167.310.]

2 [167.296. 1. The "Extended Day Child Care Fund" is established in the
3 state treasury and shall be administered by the department of elementary and
4 secondary education at the direction of the state board of education. The fund
5 shall consist of moneys appropriated annually by the general assembly from
6 general revenue to the fund and any moneys paid into the state treasury and
7 required by law to be credited to the fund.

8 2. Moneys in the fund shall be used for grants to districts to provide
9 extended day child care programs according to the provisions of sections 167.290
10 to 167.310.

11 3. Expenses of the department of elementary and secondary education in
12 administering the program shall be paid from the fund.

13 4. Any unexpended balance in the fund at the end of each fiscal year shall
14 be exempt from the provisions of section 33.080 relating to the transfer of
15 unexpended balances to the general revenue fund.]

2 [167.298. 1. The board may promulgate all necessary rules and
3 regulations for the implementation of sections 167.290 to 167.310, which may
4 include, but need not be limited to, specifying:

5 (1) Standards for the hiring of staff for an extended day child care
6 program or for the contracting by the district with a not-for-profit corporation for
7 the establishment of such a program;

8 (2) Cost and expense standards for the establishment and operation of
9 extended day child care programs within school facilities under various economic
10 conditions;

11 (3) Fee schedule guidelines which reflect various economic conditions
12 for use by programs that are operating under a grant from the fund;

13 (4) Minimum staff to child ratios for an extended day child care program;

14 (5) Physical space requirements for a program, including indoor and
15 outdoor space;

(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

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

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

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

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

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

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

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

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

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

10 (4) Provide efficient and effective program administration;

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

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

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

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

17 2. No district operating an extended day child care program directly or
18 through contract with a not-for-profit corporation shall be required to meet any
19 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

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

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

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

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

11 2. The board shall not approve a grant from the fund to a district unless
12 the district agrees to adopt fee schedule guidelines set by the board under
13 167.298, except as provided in this section.

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

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

2 [167.310. A district's extended day child care program shall be
3 self-supporting. The district may use as funds to support its program state aid
4 received according to sections 167.290 to 167.310; fees charged to parents and
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

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

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

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

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

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

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

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

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

6 2. Area vocational learning centers shall be responsible for providing
7 academic and vocational assessment, which may include, but is not limited to,
8 use of the Lindamood Auditory Conceptualization Test and Auditory
9 Discrimination in Depth Program, of those persons who are eligible for

10 alternative education services under sections 167.320 to 167.332. Area
11 vocational centers shall also provide career awareness programs and individual
12 and small group counseling.

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

4

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.]

7

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.]

6

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
level of the appropriation.

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

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,
4 remedial reading, science and math hereby establishes the "Missouri Teacher
5 Corps" program to improve student achievement. The department of elementary
6 and secondary education and the department of higher education shall work
7 together to provide staff and facilities to establish the corps and promote its
8 success.

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

14 3. The corps shall:

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

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

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

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

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

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

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

33 8. Any rule or portion of a rule, as that term is defined in section 536.010,
34 that is created under the authority delegated in this section shall become effective
35 only if it complies with and is subject to all of the provisions of chapter 536 and,
36 if applicable, section 536.028. This section and chapter 536 are nonseverable and
37 if any of the powers vested with the general assembly pursuant to chapter 536 to
review, to delay the effective date or to disapprove and annul a rule are

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
3 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:

5 (1) Citizenship or permanent residency in the United States;

6 (2) Residence in the state of Missouri;

7 (3) Enrollment, or acceptance for enrollment, as a full-time
8 undergraduate student in an approved teacher education program at a
9 participating school;

10 (4) Evaluation of the results of the entry-level test as established under
11 section 168.400.

12 2. The policy of the coordinating board shall not discriminate in the
13 awarding of loans on the basis of race, color, religion, sex or national origin. The
14 policy shall comply with the Federal Civil Rights Acts of 1964 and 1968 and
15 executive orders issued pursuant thereto. The coordinating board shall give due
16 consideration to the cultural diversity of applicants.

17 3. No rule or portion of a rule promulgated under the authority of this
18 chapter shall become effective unless it has been promulgated pursuant to the
19 provisions of section 536.024.]
20

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:

- 3 (1) Enter into agreements with and receive grants from the United States
 4 government in connection with federal programs of assistance to students in
 5 teacher education programs;
- 6 (2) Contract with public agencies or private persons or organizations for
 7 the purpose of carrying out the administrative functions imposed by sections
 8 168.550 to 168.595;
- 9 (3) Designate the department of higher education to receive loan
 10 applications and distribute funds;
- 11 (4) Call upon agencies of the state which have financial expertise for
 12 consultation and advice, and upon any agency of the state for assistance in the
 13 location of delinquent borrowers.]
 14

[168.590. The coordinating board is hereby authorized to adopt regulations governing:

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

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

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

5 2. To be eligible for a program loan, a candidate shall:

- 6 (1) Be a full-time student in an upper division undergraduate or graduate
 7 level in a teacher training program approved by the Department of Education
 8 leading to certification as a teacher;
- 9 (2) Have declared an intent to teach, for at least the number of years for
 10 which a forgivable loan is received, in public elementary or secondary schools of
 11 Missouri in a critical teacher shortage area identified by the state board of
 12 education;
- 13 (3) If applying for or renewing an undergraduate forgivable loan, have
 14 maintained a minimum cumulative grade point average of 2.5 on a 4.0 scale for
 15 all undergraduate work;

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

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

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

25 5. The state board of education shall adopt by rule repayment schedules
26 and applicable interest rates. A forgivable loan shall be repaid within ten years
27 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
this state and who retired prior to July 1, 1957, under the provisions of chapter

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

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

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

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
coordinating board;

19 (2) Document in-state status of such students and submit academic
20 progress policies related to such students to the coordinating board.

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

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

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

- 2 (1) "Board", the Missouri coordinating board for higher education;
3 (2) "Department", the Missouri department of higher education;
4 (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

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

9 2. The amount of any scholarship granted under the undergraduate
10 scholarship program shall be five thousand dollars, except that in no event shall
11 the total amount of any scholarship received under this section plus the amount
12 of any scholarship received under the higher education academic scholarship
13 program, otherwise known as the "bright flight program", pursuant to section
14 173.250, exceed five thousand dollars.

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

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

21 (2) Rank in the top fifteenth percentile in either the SAT (Scholastic
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.

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

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

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

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

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
17 article X of the Missouri Constitution.

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

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

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

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

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

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

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

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

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

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

38 (4) Was the child or legal dependent of an educational employee of a
39 Missouri public school who was enrolled in and regularly contributing to the
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.]

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

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

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

16 (3) Funding is consistent with the purposes of sections 173.500 to
17 173.565.

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

2 [173.530. 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 by sections 173.500 and 173.515 to 173.535 shall be
5 determined in accordance with the applicable rules and regulations of the
6 university involved in the project.]

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

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
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
24 normally attributed to institutional overhead. The chargeability of any disputed
25 item shall be determined by the department, and decisions of the department with
26 respect to selection of applied projects shall be final.]

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

3 identified in section 173.252 may be used for this program to provide
4 scholarships for Missouri citizens to attend an approved public or private
5 institution of their choice pursuant to the provisions of this section. Such
6 program shall award a maximum of ten initial artistic scholarships per year, in the
7 amount of two thousand dollars per scholarship.

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

9 (1) "Approved private institution", as defined in section 173.205;

10 (2) "Approved public institution", as defined in section 173.205;

11 (3) "Artistic talent":

12 (a) Creation of the visual arts;

13 (b) Creation of and the performance of music;

14 (c) Creation of and the performance of theater;

15 (d) Creation of and the performance of musical theater; and

16 (e) Creation of and the performance of dance;

17 (4) "Artistic talent scholarship", an amount of money paid by the state of
18 Missouri to a qualified college or university student who has demonstrated
19 exceptional artistic talent pursuant to the provisions of this section.

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

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

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

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

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

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

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

30 (4) Select qualified recipients to receive graduate study scholarships,
31 make such awards of graduate scholarships to qualified recipients and determine
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 [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
sixty years of age.

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

 [191.727. The director of the department of health and senior services
2 and the director of the department of mental health shall create and administer an
3 educational program that shall:

4 (1) Provide education to all physicians providing obstetrical and
5 gynecological care in taking accurate and complete drug histories from their
6 pregnant patients;

7 (2) Provide education to all such physicians concerning the effects of
8 cigarettes, alcohol and schedules I, II and III controlled substances on pregnancy
9 and fetal outcome;

10 (3) Provide education to all such physicians concerning counseling
11 techniques for drug abusing women so as to improve referral to and compliance
12 with drug treatment programs.]
13

 [191.733. The department of health and senior services shall establish
2 and maintain a toll-free information line for the purpose of providing information
3 on resources for substance abuse treatment and for assisting with referral for
4 substance abusing pregnant women.]
5

2 [191.735. 1. The directors of the department of health and senior
3 services, mental health and social services and the commissioner of the
4 department of elementary and secondary education shall establish
5 multidisciplinary teams in areas deemed appropriate. Such teams shall act in an
6 advisory capacity for local physicians or health care providers and shall include
7 as a minimum a public health nurse, a representative of a hospital staff, an
8 experienced child protection supervisor from the division of family services, an
9 obstetrician, a neonatologist, pediatrician or a family practice physician with an
10 interest in perinatal medicine, a medical social worker, a child psychologist and
11 a drug treatment provider. No compensation shall be paid to the members of the
12 multidisciplinary teams. These teams shall report to the director of the
13 department of health and senior services. Necessary expenses of the teams may
14 be paid from appropriations of the department of health and senior services upon
15 approval by the director.

16 2. The director, in conjunction with the department of mental health, the
17 department of elementary and secondary education, and the department of social
18 services, shall ensure that these teams are trained in health issues affecting
19 pregnant mothers and their babies, care in the home for medically complex
20 infants, developmental impairments of exposed infants and treatment resources
21 for drug-abusing families. The teams should also receive training in child
22 protection aspects of intervention in child abuse and neglect cases and the various
23 types of alternative resources available.

24 3. The local multidisciplinary teams shall ensure local cooperation in the
25 implementation of sections 191.725 to 191.735.]

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

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

2 [191.745. Beginning July 1, 1992, the director of the department of
3 health and senior services shall conduct periodic and scientifically appropriate
4 prevalence tests on a statistically significant sample of women or infants at the
5 time of delivery. Upon request from the department of health and senior services,
6 physicians who provide obstetrical or gynecological care shall obtain from their
7 patients at time of delivery, test samples and forward the same to a central
8 laboratory designated by the director of the department of health and senior
9 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

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

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

8 (2) The number of referrals due to allegations of violations under sections
9 191.900 to 191.910 received by the attorney general's office;

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

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

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

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

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

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

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

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

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
osteoporosis prevention and education program to promote public awareness of
3 causes of osteoporosis, options for prevention, the value of early detection and
4 possible treatments, including the benefits and risks of those treatments.

5 2. The program shall include the following:

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

8 (a) Causes and nature of the disease;

9 (b) Risk factors;

10 (c) The role of hysterectomy;

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

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

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

15 (g) Environmental safety and injury prevention; and

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

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

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

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

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

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

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

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

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

39 (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.

6 2. The advisory council shall include:

7 (1) A person with osteoporosis;

8 (2) A representative from a women's health organization;

9 (3) A public health educator;

10 (4) An expert in bone and osteoporosis research, prevention and
11 treatment; and

12 (5) Five health care providers, representing the following professions:

13 (a) Radiology;

14 (b) Orthopedics;

15 (c) Nursing;

16 (d) Physical therapy; and

(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

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

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

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

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

2 [198.086. 1. The department of health and senior services shall develop
3 and implement a demonstration project designed to establish a licensure category
4 for health care facilities that wish to provide treatment to persons with
5 Alzheimer's disease or Alzheimer's-related dementia. The division shall also:

6 (1) Inform potential providers of the demonstration project and seek
7 letters of intent;

8 (2) Review letters of intent and select provider organizations to
9 participate in the demonstration project. Ten such organizations may develop
10 such projects using an existing license and additional organizations shall be
11 newly licensed facilities with no more than thirty beds per project. One
12 demonstration project shall be at a stand-alone facility of no more than one
13 hundred twenty beds designed and operated exclusively for the care of residents
14 with Alzheimer's disease or dementia within a county of the first classification
15 with a charter form of government with a population over nine hundred thousand.
16 A total of not more than three hundred beds may be newly licensed through the
17 demonstration projects. All projects shall maintain their pilot status until a
18 complete evaluation is completed by the division of aging, in conjunction with
19 a qualified Missouri school or university, and a written determination is made
20 from such evaluation that the pilot project is successful;

21 (3) Monitor the participants' compliance with the criteria established in
22 this section;

23 (4) Recommend legislation regarding the licensure of dementia-specific
24 residential care based on the results of the demonstration project; and

25 (5) Submit a report regarding the division's activities and
26 recommendations for administrative or legislative action on or before November
27 fifteenth of each year to the governor, the president pro tem of the senate and the
28 speaker of the house of representatives.

29 2. The director of the division shall:

30 (1) Develop a reimbursement methodology to reasonably and adequately
31 compensate the pilot projects for the costs of operation of the project, and require
32 the filing of annual cost reports by each participating facility which shall include,
33 but not be limited to, the cost equivalent of unpaid volunteer or donated labor;

34 (2) Process the license applications of project participants;

35 (3) Monitor each participant to assure its compliance with the
36 requirements and that the life, health and safety of residents are assured;

37 (4) Require each participating facility to complete a minimum data set
38 form for each resident occupying a pilot bed;

39 (5) Require the division of aging to assign a single team of the same
40 surveyors to inspect and survey all participating facilities at least twice a year for
41 the entire period of the project; and

42 (6) Submit to the president pro tem of the senate and speaker of the house
43 of representatives copies of any statements of deficiencies, plans of correction
and complaint investigation reports applying to project participants.

- 44 3. Project participants shall:
45 (1) Be licensed by the division;
46 (2) Provide care only to persons who have been diagnosed with
47 Alzheimer's disease or Alzheimer's-related dementia;
48 (3) Have buildings and furnishings that are designed to provide for the
49 resident's safety. Facilities shall have indoor and outdoor activity areas, and
50 electronically controlled exits from the buildings and grounds to allow residents
51 the ability to explore while preventing them from exiting the facility's grounds
52 unattended;
53 (4) Be staffed twenty-four hours a day by the appropriate number and
54 type of personnel necessary for the proper care of residents and upkeep of the
55 facility;
56 (5) Conduct special staff training relating to the needs, care and safety of
57 persons with Alzheimer's disease or Alzheimer's-related dementia within the first
58 thirty days of employment;
59 (6) Utilize personal electronic monitoring devices for any resident whose
60 physician recommends use of such device;
61 (7) Permit the resident's physician, in consultation with the family
62 members or health care advocates of the resident, to determine whether the
63 facility meets the needs of the resident; and
64 (8) Implement a social model for the residential environment rather than
65 an institutional medical model.
66 4. For purposes of this section, "health care facilities for persons with
67 Alzheimer's disease or Alzheimer's-related dementia" means facilities that are
68 specifically designed and operated to provide elderly individuals who have
69 chronic confusion or dementia illness, or both, with a safe, structured but flexible
70 environment that encourages physical activity through a well-developed
71 recreational and aging-in-place and activity program. Such program shall
72 continually strive to promote the highest practicable physical and mental abilities
73 and functioning of each resident.
74 5. Nothing in this section shall be construed to prohibit project
75 participants from accommodating a family member or other caregiver from
76 residing with the resident in accordance with all life, health, and safety standards
77 of the facility.]
78

2 [198.531. 1. The division of aging, in collaboration with qualified
3 Missouri schools and universities, shall establish an aging-in-place pilot program
4 at a maximum of four selected sites throughout the state which will provide a
5 continuum of care for elders who need long-term care. For purposes of this
6 section, "qualified Missouri schools and universities" means any Missouri school
7 or university which has a school of nursing, a graduate nursing program, or any
8 other similar program or specialized expertise in the areas of aging, long-term
care or health services for the elderly.

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- 2. The pilot program shall:
 - (1) Deliver a full range of physical and mental health services to residents in the least restrictive environment of choice to reduce the necessity of relocating such residents to other locations as their health care needs change;
 - (2) Base licensure on services provided rather than on facility type; and
 - (3) Be established in selected urban, rural and regional sites throughout the state.
- 3. The directors of the division of aging and division of medical services shall apply for all federal waivers necessary to provide Medicaid reimbursement for health care services received through the aging-in-place pilot program.
- 4. The division of aging shall monitor the pilot program and report to the general assembly on the effectiveness of such program, including quality of care, resident satisfaction and cost-effectiveness to include the cost equivalent of unpaid or volunteer labor.
- 5. Developments authorized by this section shall be exempt from the provisions of sections 197.300 to 197.367 and shall be licensed by the division of aging.]

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- [207.150. 1. The division of family services may, subject to appropriation, provide housing assistance to the parents of children who are at imminent danger of removal and placement or who are in the custody of the division pursuant to court order, if a primary barrier for keeping the child in the home or reuniting the child's family is the homeless condition of the parents and to parents who are at risk of having their family separated due to inadequate housing or homelessness. Housing assistance shall be provided pursuant to this section, based on the development of a family housing plan. The plan will address current needs, and the movement toward adequate housing and independence. Housing assistance shall not exceed the average market rate for 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, rent arrears, deposits or other housing-related assistance sufficient to obtain adequate rental housing.
- 2. The division of family services shall designate a housing specialist within the division who shall be responsible for the administration and coordination of housing assistance funds.
- 3. The division of family services shall promulgate rules and regulations to carry out the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.]

2
3

[208.179. 1. Subject to appropriations made for that purpose, a pilot project shall be created by the director of the division of medical services to provide up to one thousand residents of this state who become unemployed and

4 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

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

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

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

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

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

24 2. For purposes of implementing the program under this section and
25 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
 11 in region 2 of the Missouri area agencies on aging.

12 2. As used in sections 208.309 to 208.315, the following terms mean:

13 (1) "Community provider organizations", any:

14 (a) Charitable organization as defined in section 407.453;

15 (b) Not-for-profit corporation established pursuant to chapter 355; or

16 (c) An organization that has obtained an exemption from the payment of
 17 federal income taxes as provided in section 501(c)(3), 501(c)(7) or 501(c)(8) of
 18 Title 26, U.S.C., as amended;

19 (2) "Division", division of aging of the department of social services;

20 (3) "Elderly low-income person", a Missouri citizen who is sixty years
 21 of age or older and whose income is at or below one hundred fifty percent of the
 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

2 [208.335. 1. The general assembly is committed to community renewal
3 and revitalization, especially in high poverty areas. Community renewal depends
4 on fostering a sense of belonging and a sense of community. Community
5 renewal and revitalization are important for enhancing the quality of life for
6 community residents. To this end, the general assembly supports the
7 development and use of community-based systems of support that include
8 traditional and nontraditional mechanisms for enhancing quality of life.

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

10 (1) "Community", an area of similar and like interests for developing an
11 infrastructure that supports a self-sufficiency pact, as established in section
12 208.325, while reducing the need for welfare except as a transitional benefit. A
13 community can include a group of blocks or a self-defined neighborhood in an
14 area;

15 (2) "Systems of support", a program, service or other activity with the
16 goal of alleviating poverty or improving the quality of life.

17 3. The department of social services in collaboration with the department
18 of economic development, department of labor and industrial relations,
19 department of health and senior services, department of mental health and other
20 agencies shall develop a comprehensive methodology to focus a blend of federal,
21 state and local resources on communities to address issues of poverty specific to
22 the community. Part of this methodology shall be specific strategies for the
23 coordinated use of existing job training programs at the local level, including
24 federal and state job training funds, and the private industry councils. The
25 elimination of duplication of services and the enhancing of access to existing
26 agencies shall be the primary goals of these strategies. The department of social
27 services shall also develop strategies for contracting at the community level with
28 public agencies and private not-for-profit organizations, community action
29 agencies, for the delivery of services to promote self-sufficiency; such services
30 may include the provision of child care, transportation, employment-readiness,
31 and job training. The methodology of the department of social services should
32 include, but need not be limited to:

33 (1) An inventory of community strengths and weaknesses, including the
34 availability of community services, businesses and individual volunteers;

35 (2) Assessing the potential for local residents, given sufficient training
36 and financial support, to provide for improved community services and
37 businesses;

38 (3) Provision of staff resources needed to help identify and inform local
39 residents about the program, organize public meetings, develop local leadership
40 and gain the commitment of local residents for the success of the project; and

41 (4) Giving preference to projects that would include small businesses
42 managed or owned by local residents. The director of the department of social
43 services shall establish pilot programs that promote local authority and decision
44 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
 payment or purchase of service system which requires that as the recipient's

9 earned income increases, the recipient shall contribute to the cost of the
10 assistance in accordance with a sliding scale fee established by rule.

11 3. In order to be considered for selection as a prospective project
12 participant pursuant to sections 208.500 to 208.507:

13 (1) A person shall apply to the division to participate in the program;

14 (2) An applicant shall have been a recipient of AFDC benefits for at least
15 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,
isolation, mental illness, crime and other factors affecting the health, safety and

6 quality of life of elderly persons. Such a report shall be issued annually to the
7 governor, the speaker of the house of representatives, the president pro tempore
8 of the senate and the public.]
9

2 [208.700. 1. Sections 208.700 to 208.720 shall be known and may be
cited as the "Welfare to Work Protection Act".

3 2. For purposes of sections 208.700 to 208.720, the following terms shall
4 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
11 employee, such individual or employee may appeal to the department of labor
12 and industrial relations commission, and the hearing shall be conducted in
13 accordance with rules and notification requirements adopted by the commission
14 and a decision shall be rendered within forty-five days of such hearing. If the
15 individual or employee is aggrieved by the decision of the commission, the
16 individual or employee may, within thirty days of the date of such decision, file
17 a petition for review in the circuit court for the county in which the individual or
18 employee resides.

19 The commission shall not be a party in the action before the circuit court.
20 However, if there is an existing grievance procedure in a collective bargaining
21 agreement, such procedure shall be followed. Remedies shall include
22 reinstatement, and retroactive pay and benefits.

23 3. Nothing in this section shall preempt or supersede any provision of
24 state law which provides greater protection for employees from job
25 displacement.]

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

4 number of clients placed with such employers year to date. Reporting of
5 employer lists and client placement with such employers from service delivery
6 areas to the department shall be made quarterly. Such program employer lists
7 shall be made available to the public upon request.]
8

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

2 (1) "COCC", corrections officer certification commission;

3 (2) "Corrections officer", a corrections officer of the state or any political
4 subdivision of the state;

5 (3) "Director", the director of the Missouri department of corrections or
6 his or her designated agent or representative.

7 2. There is hereby established within the department of corrections a
8 "Corrections Officer Certification Commission" which shall be composed of nine
9 members nominated by the director and appointed by the governor with the
10 advice and consent of the senate:

11 (1) Three members shall be department of corrections officers below the
12 rank of lieutenant; of which, at least two will be members of a statewide
13 association of corrections officers with more than one thousand members;

14 (2) Three members shall be corrections officers or supervisors above the
15 rank of sergeant; two of which must be the rank of lieutenant or captain. Of these
16 three, at least one will be a member of a statewide association of corrections
17 officers with more than one thousand members;

18 (3) Two members shall be county sheriffs, at least one of whom shall be
19 from a third class county; and

20 (4) One member shall represent the general public.

21 3. Each member shall be at the time of appointment a citizen of the
22 United States and a resident of this state for a period of at least one year.

23 4. The original members of the commission shall be appointed as
24 follows:

25 (1) Three for terms of one year;

26 (2) Three for terms of two years; and

27 (3) Three for terms of three years. Thereafter, all terms of membership
28 on the commission shall be for three years or until a successor is appointed.

29 5. The director may remove any member of the commission for
30 misconduct or neglect of office. Any member of the commission may be
31 removed for cause by the director but such member shall first be presented with
32 a written statement of the reasons thereof.

33 6. Any vacancy in the membership of the commission shall be filled by
34 appointment for the unexpired term.

35 7. Annually the director shall appoint one of the members as chairperson.
36 The commission shall meet to perform its duties at least once each year as
37 determined by the director or a majority of the members. A majority of the
38 members of the commission shall constitute a quorum.

39 8. No member of the commission shall receive any compensation for the
40 performance of official duties but the members shall be reimbursed for their
41 necessary expenses.

42 9. The commission may:

43 (1) Cause a job task analysis to be made of the jobs of corrections
44 officers pursuant to this chapter;

45 (2) Make recommendations to the department of corrections, the
46 legislature, or the governor concerning the qualifications, training, testing, and
47 certification of corrections officers;

48 (3) Recommend qualifications and training standards for corrections
49 officers pursuant to this chapter.

50 10. The director may establish various classes of corrections officers
51 certification.

52 11. The name, certification status, and employing corrections agency of
53 any of the applicants or individuals certified pursuant to this chapter shall be open
54 record. All other records retained by the director pertaining to any applicant or
55 certified officer shall be confidential and shall not be disclosed to the public or
56 any member of the public, except with the written consent of the person or entity
57 whose records are involved, provided, however, that the director may disclose
58 such information in the course of interstate exchange of information, during the
59 course of litigation involving the director or to other state agencies. No closed
60 record conveyed to the director pursuant to this chapter shall lose its status as a
61 closed record solely because it is retained by the director. Nothing in this chapter
62 shall be used to compel the director to disclose any record subject to
63 attorney-client privilege or work-product privilege.]
64

2 [217.378. 1. As used in this section, the term "Missouri regimented
3 discipline program" means a program of institutional correctional alternatives in
4 discipline, exercise, and treatment.

5 2. The department of corrections shall establish by regulation the
6 Missouri regimented discipline program including rules determining how and
7 when a defendant shall be admitted into or removed from the program.

8 3. Eligibility for the court to impose a sentence to the Missouri
9 regimented discipline program requires:

10 (1) That the individual so sentenced is on felony probation at the time of
11 the court's consideration, that the conditions of the probation have been violated,
12 that the probationer is subject to revocation and that other community alternatives
13 have been exhausted; or

14 (2) The court determines that in the absence of the Missouri regimented
15 discipline program the individual would be committed to the department of
16 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
3 awards, out of appropriations made for that purpose, to the center for sustainable
4 agricultural systems of the University of Missouri college of agriculture for the
5 development and coordination of demonstration projects on the lands of
6 individual farmers in this state which identify, develop and demonstrate
7 agricultural technologies and farm management strategies in food and fiber
8 production carried out under actual farming conditions that will reduce the
9 dependency of food and fiber production on nonrenewable inputs. In any one
10 fiscal year, no more than thirty such demonstration project awards shall be made
11 and no award shall exceed four thousand five hundred dollars for any one
12 demonstration project. The department of agriculture, in cooperation with the
13 University of Missouri college of agriculture and the University of Missouri
14 extension service, shall promulgate rules and regulations necessary to carry out
15 the provisions of this section and for the identification of demonstration projects
16 and award areas. The demonstration projects shall be selected on a broad
17 geographical basis so that each agricultural area of the state is represented as
18 nearly as practicable. The demonstration projects shall be selected on the basis
19 of innovative practices based on competitive applications received. Each
20 demonstration project shall be monitored by the University of Missouri extension
21 service and a report of the project shall be made to the department of agriculture.

22 2. No rule or portion of a rule promulgated pursuant to the authority of
23 this section shall become effective unless it has been promulgated pursuant to the
24 provisions of chapter 536. Any rule or portion of a rule, as that term is defined
25 in section 536.010, that is promulgated under the authority delegated in this
26 section shall become effective only if it has been promulgated pursuant to the
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

[261.110. 1. The department of agriculture shall develop standards and
2 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

[261.120. There is hereby created in the state treasury the "Organic
2 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

[262.460. 1. The director of the department of agriculture may pay to
2 nonprofit county and district fairs and to regularly organized or incorporated
3 nonprofit agricultural societies having as their object the holding of shows,
4 exhibitions or fairs for the advancement of agriculture in Missouri as partial
5 reimbursement of premiums paid a percentage not to exceed fifty percent of
6 premiums actually paid by the organizations on approved classes as enumerated
7 in this section. Money received as entry fees and deductions from premiums
8 shall not be considered as premiums paid by the organization and the total
9 amount paid as state aid on the premiums to shows or fairs in any one county
10 shall not exceed thirty-five thousand dollars in any one year, if funds are

11 available. These payments are to be prorated to all participating fairs on a
 12 percentage basis of premiums paid on standard classifications approved by the
 13 director of the department of agriculture.

14 2. The director of the department of agriculture shall grant such state aid
 15 only on premiums paid on approved classes of:

16 (1) Cattle, swine, sheep, goats, farm work stock, including mules shown
 17 to halter or farm vehicles, jack stock and light horses to halter;

18 (2) Poultry, eggs, rabbits and dairy products;

19 (3) Field, garden and horticultural products;

20 (4) Home economic products;

21 (5) 4-H and vocational agriculture projects including F.F.A.;

22 (6) Exhibits by educational institutions.

23 3. Counties, municipalities, or other political subdivisions may be
 24 eligible for matched assistance of not to exceed two thousand five hundred
 25 dollars annually to any one such subdivision, for the purpose of new
 26 constructions, remodeling, maintaining, repairing, or otherwise making fair
 27 buildings more suitable for fair purposes, upon compliance with the requirements
 28 of sections 262.460 to 262.465.

29 4. As used in sections 262.460 to 262.465, the following terms mean:

30 (1) "Director", the state director of the department of agriculture;

31 (2) "Fair buildings", the youth and agricultural facilities in which a fair
 32 is conducted and which are owned by the county or municipality or political
 33 subdivision, and are used principally for holding a county fair or community fair.]
 34

[421.028. 1. Each bedding manufacturer, renovator or sanitizer shall
 2 register with and obtain an initial permit and permit number from the department,
 3 which permit shall be renewed annually.

4 2. Upon timely request by an applicant for an initial permit, the
 5 department shall recognize a valid registry, license, permit or factory number
 6 issued by another state or jurisdiction, provided that, the applicant complies with
 7 all requirements established by the department for issuance of a permit number
 8 in this state.

9 3. The department shall set fees for each class of initial and annual
 10 renewal permits, including, but not limited to, manufacturers, renovators and
 11 sanitizers in amounts that are reasonable and necessary to defray, but shall not
 12 substantially exceed, the cost of administering sections 421.005 to 421.038.]
 13

[453.322. As used in this section and section 453.325, the following
 2 terms shall mean:

3 (1) "Division", the division of family services in the department of social
 4 services;

5 (2) "Maintenance of effort", state funds appropriated for the aid to
6 families with dependent children (AFDC), emergency assistance, AFDC-related
7 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

2 [476.415. 1. There is hereby created a "Commission on Judicial
 3 Resources", to be comprised of the following persons:

4 (1) A circuit court judge elected by the circuit court judges of the state;

5 (2) A judge of the court of appeals elected by the judges of the court of
 6 appeals of the state;

7 (3) An associate circuit judge elected by the associate circuit judges of
 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 [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
12 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
in accordance with section 208.480.]

[660.019. For the purposes of sections 660.019 to 660.021, the following terms mean:

(1) "Caseload standards", the minimum and maximum number of cases that an employee can reasonably be expected to perform in a normal work month based on the number of cases handled by, or the number of different job functions performed by, the employee;

(2) "Department", the department of social services;

(3) "Director", the director of the department of social services;

(4) "Professional caseload standards", caseload standards that are established by the director, after consideration of caseload standards established by national setting authorities such as the Child Welfare League, National Eligibility Workers Associations and the National Association of Social Workers, or caseload standards used in other states which have similar job titles.]

[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:

(1) Ensure the standards are based on the actual duties of the caseworker;

(2) Ensure the standards are consistent with existing professional caseload standards; and

(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.

8 2. The caseload standards advisory committee shall review professional
9 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

 [660.530. As used in sections 660.530 to 660.545, the following terms
2 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

 [660.532. 1. Notwithstanding any other provision of law to the contrary,
2 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 2. Grants may be awarded for combining separately existing programs
13 or for combining newly proposed programs. Such grants necessary to combine
14 programs shall be limited to start-up costs that may include planning and
15 administrative costs for the purpose of combining such programs, moving
16 expenses and minor capital improvements and up to the first two months'
17 expenses for salaries or wages, training, rent or mortgage payments, utilities and
18 insurance or such other start-up costs identified and approved by the director of
19 the department of social services.]
20

 [660.534. The director of the department of social services shall
2 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

2 [660.535. 1. Public and private not-for-profit organizations and
3 corporations shall be eligible for purposes of application for grants provided for
4 in sections 660.530 to 660.545 subject to any rules or regulations promulgated
5 by the director. Two or more organizations may join together for the purposes
6 of sections 660.530 to 660.545.

7 2. General business corporations, public and private, and not-for-profit
8 corporations, partnerships, limited partnerships, associations, and sole
9 proprietorships shall be eligible for purposes of application for grants provided
10 for in sections 660.530 to 660.545 subject to any rules or regulations promulgated
11 by the director. Two or more organizations may join together for the purposes
12 of sections 660.530 to 660.545.]

2 [660.537. The director shall publicize the availability of moneys to be
3 used for the purposes of sections 660.530 to 660.545. The director shall request,
4 on forms prescribed by him, such information as he determines relevant and
5 necessary to the evaluation of each application. The director shall solicit
6 comments on the application from other concerned agencies such as the
7 designated area agency on aging, the local division of family services office, the
8 local department of health and from other groups concerned with the needs of the
9 elderly or children.]

2 [660.539. The application shall include plans for coordinating, combining
3 and consolidating existing or proposed senior citizen services centers, or
4 residential health care facilities and child day care centers. Such applications
5 shall include to the extent possible:

6 (1) The start-up costs necessary only to combine such programs. Such
7 costs may include planning and administrative expenses for the purpose of
8 combining such programs, moving expenses and minor capital improvements,
9 and up to the first two months' expenses for salaries or wages, training, rent or
10 mortgage payments, utilities and insurance and such other start-up costs
11 identified and approved by the director;

12 (2) An outline of steps to be taken to ensure the health, safety and welfare
13 of the program participants;

14 (3) Innovative utilization of operating funds, which may include, but not
15 be limited to, pooling of administrative and support staff, insurance costs,
16 maintenance costs, transportation services, nutrition services, energy costs,
17 building space, health services and supplies;

18 (4) The impact and effectiveness of the program in meeting the
community's need for such programs;

19 (5) The range and type of services to be offered and the number and types
20 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

2 [660.541. 1. The director shall review and, where necessary, require
3 modifications and, upon such modifications, approve no fewer than three
4 applications.

5 2. A grant amount available under this program shall not exceed the total
6 start-up costs necessary only to combine existing or newly proposed programs,
7 less any income from governmental, third party or any other sources that may be
8 available for the purpose of combining such programs.

9 3. Grants shall be made available for each combined program on a
10 one-time basis.

11 4. Notwithstanding any other provision of law to the contrary, costs
12 incurred combining such programs or attributable to the operation of the child
13 care center may not be transferred to a residential health care facility for purposes
14 of reimbursement under Title XIX of the federal Social Security Act nor shall
15 funding for combining such programs be substituted for funds provided under the
16 Federal Older Americans Act of 1965 as amended, the Social Service Block
17 Grants under Title XX of the Social Security Act, or any other federal, state or
18 local funding.

19 5. Upon approval thereof, the director shall determine the amount of
20 payment and shall contract with each grantee who has an approved application
21 for payment of the start-up costs of the pilot project.]

2 [660.543. Each grantee receiving payments under the provisions of
3 sections 660.530 to 660.545 shall submit to the director within a reasonable
4 period of time specified by the director, a report following guidelines prepared
5 by the director which shall include, but not be limited to:

6 (1) The manner in which payments as provided by subdivision (3) of
7 section 660.539 were expended;

8 (2) A description of the scope, status and quality of the project funded;

9 (3) The extent to which the program reduced expenditures or realized
10 savings;

11 (4) The impact and effectiveness of this program in meeting the
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

2 [660.545. The director shall prepare a summary of the reports required
3 by section 660.543 and incorporate them into an annual report, and submit such
4 report to the governor, the speaker of the house of representatives and the
5 president pro tem of the senate by January fifteenth of each year beginning
6 January 15, 1992. Such annual reports shall include any recommendations for
7 legislation.]

2 [660.725. 1. Each area agency on aging may establish a program that
3 provides for volunteers to provide transportation within the geographic area of
4 the agency to elderly persons to health care facilities for scheduled appointments
5 or for other health care-related purposes.

6 2. Such volunteers shall utilize their own vehicles and shall be
7 reimbursed for miles driven to provide transportation for elderly persons under
8 the program. The area agency on aging may pay each volunteer a mileage
9 allowance or reimbursement at the same rate as for state employees under section
10 33.095.

11 3. The area agency on aging may encourage passengers under the
12 program to reimburse the agency for all or part of the cost of providing such
13 transportation services.

14 4. Any volunteer seeking a mileage allowance or reimbursement shall
15 submit a monthly report to the agency detailing the transportation services
16 provided, the dates of such services, and the miles driven. The agency may
17 request further information from the volunteer on the monthly report.

18 5. Subject to appropriations, each area agency on aging may request
19 funding of up to one thousand dollars annually per county for each county within
20 the agency's jurisdiction from the department of health and senior services to
21 assist with the costs associated with administering this program.

22 6. Pursuant to section 23.253 of the Missouri sunset act:

23 (1) Any new program authorized under this section shall automatically
24 sunset six years after August 28, 2007, unless reauthorized by an act of the
25 general assembly; and

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