

FIRST REGULAR SESSION

# HOUSE REVISION BILL NO. 666

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FLANIGAN.

1539L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 21.830, 33.850, 42.300, 71.005, 135.575, 135.680, 135.750, 143.105, 143.106, 143.107, 143.1008, 161.215, 167.194, 168.700, 168.702, 173.197, 178.930, 208.178, 208.630, 208.993, 288.131, 301.3031, 338.321, 376.960, 376.961, 376.962, 376.964, 376.965, 376.966, 376.968, 376.970, 376.973, 376.975, 376.978, 376.980, 376.982, 376.984, 376.986, 376.987, 376.989, and 376.1192, RSMo, and to enact in lieu thereof three new sections for the sole purpose of repealing expired, sunset, and obsolete statutory provisions.

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

Section A. Sections 21.830, 33.850, 42.300, 71.005, 135.575, 135.680, 135.750, 143.105, 143.106, 143.107, 143.1008, 161.215, 167.194, 168.700, 168.702, 173.197, 178.930, 208.178, 208.630, 208.993, 288.131, 301.3031, 338.321, 376.960, 376.961, 376.962, 376.964, 376.965, 376.966, 376.968, 376.970, 376.973, 376.975, 376.978, 376.980, 376.982, 376.984, 376.986, 376.987, 376.989, and 376.1192, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 42.300, 161.215, and 178.930, to read as follows:

7

8 THE AUTHORITY FOR AUDITS UNDER SUBSECTION 4 OF THIS SECTION EXPIRED  
9 12-31-13:

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

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

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

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

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

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

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

34 (6) For payment of Missouri National Guard and Missouri veterans commission  
35 expenses associated with providing medals, medallions and certificates in recognition of service  
36 in the Armed Forces of the United States during World War II, the Korean Conflict, and the  
37 Vietnam War under sections 42.170 to 42.226. Any funds remaining from the medals,  
38 medallions and certificates shall not be transferred to any other fund and shall only be utilized  
39 for the awarding of future medals, medallions, and certificates in recognition of service in the  
40 Armed Forces;

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

46 (8) The administration of the Missouri veterans commission.

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

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

55 [4. The state auditor shall conduct an audit of all moneys in the veterans commission  
56 capital improvement trust fund every year beginning January 1, 2011, and ending on December  
57 31, 2013. The findings of each audit shall be distributed to the general assembly, governor, and  
58 lieutenant governor no later than ten business days after the completion of such audit.]

59

60 THE AUTHORITY FOR AUDITS UNDER SUBSECTION 8 OF THIS SECTION EXPIRED  
61 12-31-13:

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

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

25           (1) Grants or contracts may be provided for:

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

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

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

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

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

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

35           (d) Documentation of community input into program development;

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

37           (f) Commitment to state licensure within one year of the initial grant, if funding comes  
38 from the appropriation to the department of elementary and secondary education and  
39 commitment to compliance with the requirements of the department of social services, if funding  
40 comes from the department of social services; and

41           (g) With respect to applications by public schools, the establishment of a parent advisory  
42 committee within each public school program;

43           (3) In awarding grants and contracts under this subdivision, the departments may give  
44 preference to programs which:

45           (a) Are new or expanding programs which increase capacity;

46           (b) Target geographic areas of high need, namely where the ratio of program slots to  
47 children under the age of six in the area is less than the same ratio statewide;

48           (c) Are programs designed for special needs children;

49           (d) Are programs that offer services during nontraditional hours and weekends; or

50           (e) Are programs that serve a high concentration of low-income families.

51           3. No less than ten percent of moneys deposited in the early childhood development,  
52 education and care fund shall be appropriated to the department of social services to provide  
53 early childhood development, education and care programs through child development,  
54 education and care certificates to families whose income does not exceed one hundred  
55 eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. Section  
56 9858c(c)(2)(A) and 42 U.S.C. Section 9858n(2) for the purpose of funding early childhood  
57 development, education and care programs as approved by the department of social services. At  
58 a minimum, the certificate shall be of a value per child which is commensurate with the per-child  
59 payment under paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the  
60 grants or contracts. On February first of each year the department shall certify the total amount  
61 of child development, education and care certificates applied for and the unused balance of the  
62 funds shall be released to be used for supplementing the competitive grants and contracts  
63 program authorized under subsection 2 of this section.

64           4. No less than ten percent of moneys deposited in the early childhood development,  
65 education and care fund shall be appropriated to the department of social services to increase  
66 reimbursements to child-care facilities for low-income children that are accredited by a  
67 recognized, early childhood accrediting organization.

68           5. No less than ten percent of the funds deposited in the early childhood development,  
69 education and care fund shall be appropriated to the department of social services to provide  
70 assistance to eligible parents whose family income does not exceed one hundred eighty-five  
71 percent of the federal poverty level who wish to care for their children under three years of age  
72 in the home, to enable such parent to take advantage of early childhood development, education  
73 and care programs for such parent's child or children. At a minimum, the certificate shall be of  
74 a value per child which is commensurate with the per-child payment under paragraph (b) of  
75 subdivision (1) of subsection 2 of this section pertaining to the grants or contracts. The  
76 department of social services shall provide assistance to these parents in the effective use of early  
77 childhood development, education and care tools and methods.

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

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

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

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

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

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

97 9.] Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
98 under the authority delegated in this section shall become effective only if it complies with and  
99 is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section  
100 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
101 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
102 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
103 or adopted after August 28, 2010, shall be invalid and void.

104

105 SUBDIVISION (1) OF SUBSECTION 1 OF THIS SECTION APPLIES ONLY TO FY 2010:

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

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

17 workshop shall receive a percentage of the corresponding amount normally paid based on the  
18 percentage of time worked by the handicapped employee.

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

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

30         4. The balance of the sheltered workshop per diem revolving fund shall not exceed five  
31 hundred thousand dollars at the end of each fiscal year and shall be exempt from the provisions  
32 of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.  
33 Any unexpended balance in the sheltered workshop per diem revolving fund at the end of each  
34 fiscal year exceeding five hundred thousand dollars shall be deposited in the general revenue  
35 fund.

36

37 THE COMMISSION AUTHORIZED UNDER THIS SECTION DISSOLVED ON 12-31-09  
38 (REPORT SUBMITTED BY THE DEADLINE):

2           [21.830. 1. There is hereby established a joint committee of the general  
3 assembly, which shall be known as the "Joint Committee on Missouri's Energy  
4 Future", which shall be composed of five members of the senate, with no more  
5 than three members of one party, and five members of the house of  
6 representatives, with no more than three members of one party. The senate  
7 members of the committee shall be appointed by the president pro tem of the  
8 senate and the house members by the speaker of the house of representatives.  
9 The committee shall select either a chairperson or co-chairpersons, one of whom  
10 shall be a member of the senate and one a member of the house of  
11 representatives. A majority of the members shall constitute a quorum. Meetings  
12 of the committee may be called at such time and place as the chairperson or  
13 chairpersons designate.

14           2. The committee shall examine Missouri's present and future energy  
15 needs to determine the best strategy to ensure a plentiful, affordable and clean  
16 supply of electricity that will meet the needs of the people and businesses of  
Missouri for the next twenty-five years and ensure that Missourians continue to

17 benefit from low rates for residential, commercial, and industrial energy  
18 consumers.

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

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

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

32

33 THIS SECTION EXPIRED 03-01-13:

2 [33.850. 1. The committee on legislative research shall organize a  
3 subcommittee, which shall be known as the "Joint Subcommittee on Recovery  
4 Accountability and Transparency", to coordinate and conduct oversight of  
5 covered funds to prevent fraud, waste, and abuse.

6 2. The subcommittee shall consist of the following eight members:

7 (1) One-half of the members appointed by the chairperson from the house  
8 which he or she represents, two of whom shall be from the majority party and two  
9 of whom shall be from the minority party; and

10 (2) One-half of the members appointed by the vice chairperson from the  
11 house which he or she represents, two of whom shall be from the majority party  
12 and two of whom shall be from the minority party.

13 3. The appointment of the senate and house members shall continue  
14 during the member's term of office as a member of the general assembly or until  
15 a successor has been appointed to fill the member's place when his or her term  
16 of office as a member of the general assembly has expired.

17 4. The subcommittee shall coordinate and conduct oversight of covered  
18 funds in order to prevent fraud, waste, and abuse, including:

19 (1) Reviewing whether the reporting of contracts and grants using  
20 covered funds meets applicable standards and specifies the purpose of the  
21 contract or grant and measures of performance;

22 (2) Reviewing whether competition requirements applicable to contracts  
23 and grants using covered funds have been satisfied;

24 (3) Reviewing covered funds to determine whether wasteful spending,  
25 poor contract or grant management, or other abuses are occurring and referring  
26 matters it considers appropriate for investigation to the attorney general or the  
agency that disbursed the covered funds;



27 (4) Receiving regular reports from the commissioner of the office of  
28 administration, or his or her designee, concerning covered funds; and

29 (5) Reviewing the number of jobs created using these funds.

30 5. The subcommittee shall submit annual reports to the governor and  
31 general assembly, including the senate appropriations committee and house  
32 budget committee, that summarize the findings of the subcommittee with regard  
33 to its duties in subsection 4 of this section. All reports submitted under this  
34 subsection shall be made publicly available and posted on the governor's website,  
35 the general assembly website, and each state agency website. Any portion of a  
36 report submitted under this subsection may be redacted when made publicly  
37 available, if that portion would disclose information that is not subject to  
38 disclosure under chapter 610, or any other provision of state law.

39 6. (1) The subcommittee shall make recommendations to agencies on  
40 measures to prevent fraud, waste, and abuse relating to covered funds.

41 (2) Not later than thirty days after receipt of a recommendation under  
42 subdivision (1) of this subsection, an agency shall submit a report to the governor  
43 and general assembly, including the senate appropriations committee and house  
44 budget committee, and the subcommittee that states:

45 (a) Whether the agency agrees or disagrees with the recommendations;  
46 and

47 (b) Any actions the agency will take to implement the recommendations.

48 7. The subcommittee may:

49 (1) Review audits from the state auditor and conduct reviews relating to  
50 covered funds; and

51 (2) Receive regular testimony from the state auditor relating to audits of  
52 covered funds.

53 8. (1) Not later than thirty days after the date on which all initial  
54 members of the subcommittee have been appointed, the subcommittee shall hold  
55 its first meeting. Thereafter, the subcommittee shall meet at the call of the  
56 chairperson of the subcommittee.

57 (2) A majority of the members of the subcommittee shall constitute a  
58 quorum, but a lesser number of members may hold hearings.

59 9. The subcommittee may hold such hearings, sit and act at such times  
60 and places, take such testimony, and receive such evidence as the subcommittee  
61 considers advisable to carry out the provisions of this section. Each agency of  
62 this state shall cooperate with any request of the subcommittee to provide such  
63 information as the subcommittee deems necessary to carry out the provisions of  
64 this section. Upon request of the subcommittee, the head of each agency shall  
65 furnish such information to the subcommittee. The head of each agency shall  
66 make all officers and employees of that agency available to provide testimony to  
67 the subcommittee and committee personnel.

68 10. Subject to appropriations, the subcommittee may enter into contracts  
69 with public agencies and with private persons to enable the subcommittee to

70 discharge its duties under the provisions of this section, including contracts and  
71 other arrangements for studies, analyses, and other services.

72 11. The members of the subcommittee shall serve without compensation,  
73 but may be reimbursed for reasonable and necessary expenses incurred in the  
74 performance of their official duties.

75 12. As used in this section, the term "covered fund" shall mean any  
76 moneys received by the state or any political subdivision under the American  
77 Recovery and Reinvestment Act of 2009, as enacted by the 111th United States  
78 Congress.

79 13. This section shall expire March 1, 2013.]  
80

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

2 [71.005. No person shall be a candidate for municipal office unless such  
3 person complies with the provisions of section 115.346 regarding payment of  
4 municipal taxes or user fees.]

5 THIS SECTION SUNSET 08-28-13:

2 [135.575. 1. As used in this section, the following terms mean: (1)  
3 "Missouri health care access fund", the fund created in section 191.1056; (2)  
4 "Tax credit", a credit against the tax otherwise due under chapter 143, excluding  
5 withholding tax imposed by sections 143.191 to 143.265; (3) "Taxpayer", any  
6 individual subject to the tax imposed in chapter 143, excluding withholding tax  
7 imposed by sections 143.191 to 143.265.

8 2. The provisions of this section shall be subject to section 33.282. For  
9 all taxable years beginning on or after January 1, 2007, a taxpayer shall be  
10 allowed a tax credit for donations in excess of one hundred dollars made to the  
11 Missouri health care access fund. The tax credit shall be subject to annual  
12 approval by the senate appropriations committee and the house budget  
13 committee. The tax credit amount shall be equal to one-half of the total donation  
14 made, but shall not exceed twenty-five thousand dollars per taxpayer claiming the  
15 credit. If the amount of the tax credit issued exceeds the amount of the taxpayer's  
16 state tax liability for the tax year for which the credit is claimed, the difference  
17 shall not be refundable but may be carried forward to any of the taxpayer's next  
18 four taxable years. No tax credit granted under this section shall be transferred,  
19 sold, or assigned. The cumulative amount of tax credits which may be issued  
20 under this section in any one fiscal year shall not exceed one million dollars.

21 3. The department of revenue may promulgate rules to implement the  
22 provisions of this section. Any rule or portion of a rule, as that term is defined  
23 in section 536.010, that is created under the authority delegated in this section  
24 shall become effective only if it complies with and is subject to all of the  
25 provisions of chapter 536 and, if applicable, section 536.028. This section and  
26 chapter 536 are nonseverable and if any of the powers vested with the general  
assembly pursuant to chapter 536 to review, to delay the effective date, or to

27 disapprove and annul a rule are subsequently held unconstitutional, then the grant  
28 of rulemaking authority and any rule proposed or adopted after August 28, 2007,  
29 shall be invalid and void.

30 4. Pursuant to section 23.253 of the Missouri sunset act:

31 (1) The provisions of the new program authorized under this section shall  
32 automatically sunset six years after August 28, 2007, unless reauthorized by an  
33 act of the general assembly; and

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

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

40

41 THIS SECTION SUNSET 09-04-13:

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

2 (1) "Adjusted purchase price", the product of:

3 (a) The amount paid to the issuer of a qualified equity investment for  
4 such qualified equity investment; and

5 (b) The following fraction:

6 a. The numerator shall be the dollar amount of qualified low-income  
7 community investments held by the issuer in this state as of the credit allowance  
8 date during the applicable tax year; and

9 b. The denominator shall be the total dollar amount of qualified  
10 low-income community investments held by the issuer in all states as of the credit  
11 allowance date during the applicable tax year;

12 c. For purposes of calculating the amount of qualified low-income  
13 community investments held by an issuer, an investment shall be considered held  
14 by an issuer even if the investment has been sold or repaid; provided that the  
15 issuer reinvests an amount equal to the capital returned to or recovered by the  
16 issuer from the original investment, exclusive of any profits realized, in another  
17 qualified low-income community investment within twelve months of the receipt  
18 of such capital. An issuer shall not be required to reinvest capital returned from  
19 qualified low-income community investments after the sixth anniversary of the  
20 issuance of the qualified equity investment, the proceeds of which were used to  
21 make the qualified low-income community investment, and the qualified  
22 low-income community investment shall be considered held by the issuer through  
23 the seventh anniversary of the qualified equity investment's issuance;

24 (2) "Applicable percentage", zero percent for each of the first two credit  
25 allowance dates, seven percent for the third credit allowance date, and eight  
26 percent for the next four credit allowance dates;

27 (3) "Credit allowance date", with respect to any qualified equity  
28 investment:

- 29 (a) The date on which such investment is initially made; and  
30 (b) Each of the six anniversary dates of such date thereafter;
- 31 (4) "Long-term debt security", any debt instrument issued by a qualified  
32 community development entity, at par value or a premium, with an original  
33 maturity date of at least seven years from the date of its issuance, with no  
34 acceleration of repayment, amortization, or prepayment features prior to its  
35 original maturity date, and with no distribution, payment, or interest features  
36 related to the profitability of the qualified community development entity or the  
37 performance of the qualified community development entity's investment  
38 portfolio. The foregoing shall in no way limit the holder's ability to accelerate  
39 payments on the debt instrument in situations where the issuer has defaulted on  
40 covenants designed to ensure compliance with this section or Section 45D of the  
41 Internal Revenue Code of 1986, as amended;
- 42 (5) "Qualified active low-income community business", the meaning  
43 given such term in Section 45D of the Internal Revenue Code of 1986, as  
44 amended; provided that any business that derives or projects to derive fifteen  
45 percent or more of its annual revenue from the rental or sale of real estate shall  
46 not be considered to be a qualified active low-income community business;
- 47 (6) "Qualified community development entity", the meaning given such  
48 term in Section 45D of the Internal Revenue Code of 1986, as amended; provided  
49 that such entity has entered into an allocation agreement with the Community  
50 Development Financial Institutions Fund of the U.S. Treasury Department with  
51 respect to credits authorized by Section 45D of the Internal Revenue Code of  
52 1986, as amended, which includes the state of Missouri within the service area  
53 set forth in such allocation agreement;
- 54 (7) "Qualified equity investment", any equity investment in, or long-term  
55 debt security issued by, a qualified community development entity that:
- 56 (a) Is acquired after September 4, 2007, at its original issuance solely in  
57 exchange for cash;
- 58 (b) Has at least eighty-five percent of its cash purchase price used by the  
59 issuer to make qualified low-income community investments; and
- 60 (c) Is designated by the issuer as a qualified equity investment under this  
61 subdivision and is certified by the department of economic development as not  
62 exceeding the limitation contained in subsection 2 of this section. This term shall  
63 include any qualified equity investment that does not meet the provisions of  
64 paragraph (a) of this subdivision if such investment was a qualified equity  
65 investment in the hands of a prior holder;
- 66 (8) "Qualified low-income community investment", any capital or equity  
67 investment in, or loan to, any qualified active low-income community business.  
68 With respect to any one qualified active low-income community business, the  
69 maximum amount of qualified low-income community investments made in such  
70 business, on a collective basis with all of its affiliates, that may be used from the  
71 calculation of any numerator described in subparagraph a. of paragraph (b) of

72 subdivision (1) of this subsection shall be ten million dollars whether issued to  
73 one or several qualified community development entities;

74 (9) "Tax credit", a credit against the tax otherwise due under chapter 143,  
75 excluding withholding tax imposed in sections 143.191 to 143.265, or otherwise  
76 due under section 375.916 or chapter 147, 148, or 153;

77 (10) "Taxpayer", any individual or entity subject to the tax imposed in  
78 chapter 143, excluding withholding tax imposed in sections 143.191 to 143.265,  
79 or the tax imposed in section 375.916 or chapter 147, 148, or 153.

80 2. A taxpayer that makes a qualified equity investment earns a vested  
81 right to tax credits under this section. On each credit allowance date of such  
82 qualified equity investment the taxpayer, or subsequent holder of the qualified  
83 equity investment, shall be entitled to a tax credit during the taxable year  
84 including such credit allowance date. The tax credit amount shall be equal to the  
85 applicable percentage of the adjusted purchase price paid to the issuer of such  
86 qualified equity investment. The amount of the tax credit claimed shall not  
87 exceed the amount of the taxpayer's state tax liability for the tax year for which  
88 the tax credit is claimed. No tax credit claimed under this section shall be  
89 refundable or transferable. Tax credits earned by a partnership, limited liability  
90 company, S-corporation, or other pass-through entity may be allocated to the  
91 partners, members, or shareholders of such entity for their direct use in  
92 accordance with the provisions of any agreement among such partners, members,  
93 or shareholders. Any amount of tax credit that the taxpayer is prohibited by this  
94 section from claiming in a taxable year may be carried forward to any of the  
95 taxpayer's five subsequent taxable years. The department of economic  
96 development shall limit the monetary amount of qualified equity investments  
97 permitted under this section to a level necessary to limit tax credit utilization at  
98 no more than twenty-five million dollars of tax credits in any fiscal year. Such  
99 limitation on qualified equity investments shall be based on the anticipated  
100 utilization of credits without regard to the potential for taxpayers to carry forward  
101 tax credits to later tax years.

102 3. The issuer of the qualified equity investment shall certify to the  
103 department of economic development the anticipated dollar amount of such  
104 investments to be made in this state during the first twelve-month period  
105 following the initial credit allowance date. If on the second credit allowance  
106 date, the actual dollar amount of such investments is different than the amount  
107 estimated, the department of economic development shall adjust the credits  
108 arising on the second allowance date to account for such difference.

109 4. The department of economic development shall recapture the tax credit  
110 allowed under this section with respect to such qualified equity investment under  
111 this section if:

112 (1) Any amount of the federal tax credit available with respect to a  
113 qualified equity investment that is eligible for a tax credit under this section is

114 recaptured under Section 45D of the Internal Revenue Code of 1986, as amended;  
115 or

116 (2) The issuer redeems or makes principal repayment with respect to a  
117 qualified equity investment prior to the seventh anniversary of the issuance of  
118 such qualified equity investment. Any tax credit that is subject to recapture shall  
119 be recaptured from the taxpayer that claimed the tax credit on a return.

120 5. The department of economic development shall promulgate rules to  
121 implement the provisions of this section, including recapture provisions on a  
122 scaled proportional basis, and to administer the allocation of tax credits issued for  
123 qualified equity investments, which shall be conducted on a first-come,  
124 first-serve basis. Any rule or portion of a rule, as that term is defined in section  
125 536.010, that is created under the authority delegated in this section shall become  
126 effective only if it complies with and is subject to all of the provisions of chapter  
127 536 and, if applicable, section 536.028. This section and chapter 536 are  
128 nonseverable and if any of the powers vested with the general assembly pursuant  
129 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
130 a rule are subsequently held unconstitutional, then the grant of rulemaking  
131 authority and any rule proposed or adopted after September 4, 2007, shall be  
132 invalid and void.

133 6. For fiscal years following fiscal year 2010, qualified equity  
134 investments shall not be made under this section unless reauthorization is made  
135 pursuant to this subsection. For all fiscal years following fiscal year 2010, unless  
136 the general assembly adopts a concurrent resolution granting authority to the  
137 department of economic development to approve qualified equity investments for  
138 the Missouri new markets development program and clearly describing the  
139 amount of tax credits available for the next fiscal year, or otherwise complies  
140 with the provisions of this subsection, no qualified equity investments may be  
141 permitted to be made under this section. The amount of available tax credits  
142 contained in such a resolution shall not exceed the limitation provided under  
143 subsection 2 of this section. In any year in which the provisions of this section  
144 shall sunset pursuant to subsection 7 of this section, reauthorization shall be made  
145 by general law and not by concurrent resolution. Nothing in this subsection shall  
146 preclude a taxpayer who makes a qualified equity investment prior to the  
147 expiration of authority to make qualified equity investments from claiming tax  
148 credits relating to such qualified equity investment for each applicable credit  
149 allowance date.

150 7. Under section 23.253 of the Missouri sunset act:

151 (1) The provisions of the new program authorized under this section shall  
152 automatically sunset six years after September 4, 2007, unless reauthorized by an  
153 act of the general assembly; and

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

157 (3) This section shall terminate on September first of the calendar year  
 158 immediately following the calendar year in which the program authorized under  
 159 this section is sunset. However, nothing in this subsection shall preclude a  
 160 taxpayer who makes a qualified equity investment prior to sunset of this section  
 161 under the provisions of section 23.253 from claiming tax credits relating to such  
 162 qualified equity investment for each credit allowance date.]  
 163

164 THIS SECTION SUNSET 11-28-13:

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

- 2 (1) "Highly compensated individual", any individual who receives  
 3 compensation in excess of one million dollars in connection with a single  
 4 qualified film production project;
- 5 (2) "Qualified film production project", any film, video, commercial, or  
 6 television production, as approved by the department of economic development  
 7 and the office of the Missouri film commission, that is under thirty minutes in  
 8 length with an expected in-state expenditure budget in excess of fifty thousand  
 9 dollars, or that is over thirty minutes in length with an expected in-state  
 10 expenditure budget in excess of one hundred thousand dollars. Regardless of the  
 11 production costs, "qualified film production project" shall not include any:
- 12 (a) News or current events programming;  
 13 (b) Talk show;  
 14 (c) Production produced primarily for industrial, corporate, or  
 15 institutional purposes, and for internal use;  
 16 (d) Sports event or sports program;  
 17 (e) Gala presentation or awards show;  
 18 (f) Infomercial or any production that directly solicits funds;  
 19 (g) Political ad;  
 20 (h) Production that is considered obscene, as defined in section 573.010;
- 21 (3) "Qualifying expenses", the sum of the total amount spent in this state  
 22 for the following by a production company in connection with a qualified film  
 23 production project:
- 24 (a) Goods and services leased or purchased by the production company.  
 25 For goods with a purchase price of twenty-five thousand dollars or more, the  
 26 amount included in qualifying expenses shall be the purchase price less the fair  
 27 market value of the goods at the time the production is completed;
- 28 (b) Compensation and wages paid by the production company on which  
 29 the production company remitted withholding payments to the department of  
 30 revenue under chapter 143. For purposes of this section, compensation and  
 31 wages shall not include any amounts paid to a highly compensated individual;
- 32 (4) "Tax credit", a credit against the tax otherwise due under chapter 143,  
 33 excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise  
 34 due under chapter 148;

35 (5) "Taxpayer", any individual, partnership, or corporation as described  
36 in section 143.441, 143.471, or section 148.370 that is subject to the tax imposed  
37 in chapter 143, excluding withholding tax imposed by sections 143.191 to  
38 143.265, or the tax imposed in chapter 148 or any charitable organization which  
39 is exempt from federal income tax and whose Missouri unrelated business  
40 taxable income, if any, would be subject to the state income tax imposed under  
41 chapter 143.

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

53 3. Taxpayers shall apply for the film production tax credit by submitting  
54 an application to the department of economic development, on a form provided  
55 by the department. As part of the application, the expected in-state expenditures  
56 of the qualified film production project shall be documented. In addition, the  
57 application shall include an economic impact statement, showing the economic  
58 impact from the activities of the film production project. Such economic impact  
59 statement shall indicate the impact on the region of the state in which the film  
60 production or production-related activities are located and on the state as a whole.

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

72 5. Notwithstanding any provision of law to the contrary, any taxpayer  
73 may sell, assign, exchange, convey or otherwise transfer tax credits allowed in  
74 subsection 2 of this section. The taxpayer acquiring the tax credits may use the  
75 acquired credits to offset the tax liabilities otherwise imposed by chapter 143,  
76 excluding withholding tax imposed by sections 143.191 to 143.265, or chapter  
77 148. Unused acquired credits may be carried forward for up to five tax periods,



78 provided all such credits shall be claimed within ten tax periods following the tax  
 79 period in which the film production or production-related activities for which the  
 80 credits are certified by the department occurred.

81 6. Under section 23.253 of the Missouri sunset act:

82 (1) The provisions of the new program authorized under this section shall  
 83 automatically sunset six years after November 28, 2007, unless reauthorized by  
 84 an act of the general assembly; and

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

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

91

92 1996 COURT DECISION MADE SECTIONS 143.105 TO 143.107 OBSOLETE:

2 [143.105. Notwithstanding the provisions of section 143.071, to the  
 3 contrary, a tax is hereby imposed upon the Missouri taxable income of  
 4 corporations in an amount equal to five percent of Missouri taxable income.]

4

2 [143.106. 1. Notwithstanding the provisions of section 143.171, to the  
 3 contrary, a taxpayer shall be allowed a deduction for his federal income tax  
 4 liability under chapter 1 of the Internal Revenue Code for the same taxable year  
 5 for which the Missouri return is being filed after reduction for all credits thereon,  
 6 except the credit for payments of federal estimated tax, the credit for the  
 7 overpayment of any federal tax, and the credits allowed by the Internal Revenue  
 8 Code by section 31 (tax withheld on wages), section 27 (tax of foreign country  
 9 and United States possessions), and section 34 (tax on certain uses of gasoline,  
 special fuels, and lubricating oils).

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

15

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

5 2. If the supreme court of Missouri does not affirm in whole or in part the  
 6 decision in the case of COMMITTEE FOR EDUCATION EQUALITY, et al., v.  
 7 STATE OF MISSOURI, et al., No. CV 190-1371CC, and LEE'S SUMMIT  
 8 SCHOOL DISTRICT R-VII, et al., v. STATE OF MISSOURI, et al., No. CV  
 9 190-510CC, a statewide election shall be held on the first regularly scheduled

10 statewide election date after such a ruling at which an election can be held  
11 pursuant to chapter 115. At such election the qualified voters of this state shall  
12 vote on the question of whether the taxes prescribed in sections 143.105 and  
13 143.106 shall be applied to all taxable years beginning on or after the date of such  
14 election and not otherwise. If the voters approve such question, sections 160.500  
15 to 160.538, sections 160.545 and 160.550, sections 161.099 and 161.610,  
16 sections 162.203 and 162.1010, section 163.023, sections 166.275 and 166.300,  
17 section 170.254, section 173.750, and sections 178.585 and 178.698 shall expire  
18 thirty days after certification of the results of the election.]  
19

20 THIS SECTION SUNSET 08-28-13:

2 [143.1008. 1. In each taxable year beginning on or after January 1, 2008,  
3 each individual or corporation entitled to a tax refund in an amount sufficient to  
4 make a designation under this section may designate that one dollar or any  
5 amount in excess of one dollar on a single return, and two dollars or any amount  
6 in excess of two dollars on a combined return, of the refund due be credited to the  
7 after-school retreat reading and assessment grant program fund. The contribution  
8 designation authorized by this section shall be clearly and unambiguously printed  
9 on the first page of each income tax return form provided by this state. If any  
10 individual or corporation that is not entitled to a tax refund in an amount  
11 sufficient to make a designation under this section wishes to make a contribution  
12 to the after-school retreat reading and assessment grant program fund, such  
13 individual or corporation may, by separate check, draft, or other negotiable  
14 instrument, send in with the payment of taxes, or may send in separately, that  
15 amount, clearly designated for the after-school retreat reading and assessment  
16 grant program fund, the individual or corporation wishes to contribute. The  
17 department of revenue shall deposit such amount to the after-school retreat  
18 reading and assessment grant program fund as provided in subsection 2 of this  
19 section.

20 2. The director of revenue shall deposit at least monthly all contributions  
21 designated by individuals under this section to the state treasurer for deposit to  
22 the after-school retreat reading and assessment grant program fund. The fund  
23 shall be administered by the department of elementary and secondary education  
24 with moneys in the fund distributed as provided under section 167.680.

25 3. The director of revenue shall deposit at least monthly all contributions  
26 designated by the corporations under this section, less an amount sufficient to  
27 cover the cost of collection, handling, and administration by the department of  
28 revenue during fiscal year 2008, to the after-school retreat reading and  
29 assessment grant program fund.

30 4. A contribution designated under this section shall only be deposited  
31 in the after-school retreat reading and assessment grant program fund after all  
32 other claims against the refund from which such contribution is to be made have  
been satisfied.

33 5. Moneys deposited in the after-school retreat reading and assessment  
34 grant program fund shall be distributed by the department of elementary and  
35 secondary education in accordance with the provisions of this section and section  
36 167.680.

37 6. The state treasurer shall invest moneys in the fund in the same manner  
38 as other funds are invested. Any interest and moneys earned on such investments  
39 shall be credited to the fund.

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

41 (1) The provisions of the new program authorized under this section shall  
42 automatically sunset six years after August 28, 2007, unless reauthorized by an  
43 act of the general assembly; and

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

47 (3) This section shall terminate on December thirty-first of the calendar  
48 year immediately following the calendar year in which the program authorized  
49 under this section is sunset.]

50

51 THIS SECTION SUNSET 06-30-12:

2 [167.194. 1. Beginning July 1, 2008, every child enrolling in  
3 kindergarten or first grade in a public elementary school in this state shall receive  
4 one comprehensive vision examination performed by a state licensed optometrist  
5 or physician. Evidence of the examination shall be submitted to the school no  
6 later than January first of the first year in which the student is enrolled at the  
7 school, provided that the evidence submitted in no way violates any provisions  
8 of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and  
9 Accountability Act of 1996.

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

- 18 (1) Insurance;  
19 (2) The state Medicaid program;  
20 (3) Complimentary; or  
21 (4) Other form of payment.

22 3. The department of elementary and secondary education, in conjunction  
23 with the department of health and senior services, shall compile and maintain a  
24 list of sources to which children who may need vision examinations or children

25 who have been found to need further examination or vision correction may be  
 26 referred for treatment on a free or reduced-cost basis. The sources may include  
 27 individuals, and federal, state, local government, and private programs. The  
 28 department of elementary and secondary education shall ensure that the  
 29 superintendent of schools, the principal of each elementary school, the school  
 30 nurse or other person responsible for school health services, and the parent  
 31 organization for each district elementary school receives an updated copy of the  
 32 list each year prior to school opening. Professional and service organizations  
 33 concerned with vision health may assist in gathering and disseminating the  
 34 information, at the direction of the department of elementary and secondary  
 35 education.

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

- 38 (1) Complete case history;  
 39 (2) Visual acuity at distance (aided and unaided);  
 40 (3) External examination and internal examination (ophthalmoscopic  
 41 examination);  
 42 (4) Subjective refraction to best visual acuity.

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

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

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

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

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

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

60  
 61 SECTIONS 168.700 AND 168.702 SUNSET 08-28-13:

2 [168.700. 1. This act shall be known, and may be cited, as the "Missouri  
 3 Teaching Fellows Program".

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

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

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

(a) Is a United States citizen;

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

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

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

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

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

28 (4) "Teacher", any employee of a school district, regularly required to be  
29 certified under laws relating to the certification of teachers, except  
30 superintendents and assistant superintendents but including certified teachers who  
31 teach at the prekindergarten level within a prekindergarten program in which no  
32 fees are charged to parents or guardians.

33 3. Within the limits of amounts appropriated therefor, the department  
34 shall, upon proper verification to the department by an eligible applicant and the  
35 school district in which the applicant is engaged in qualified employment, enter  
36 into a one-year contract with eligible applicants to repay the interest and principal  
37 on the educational loans of the applicants or provide a stipend to the applicant as  
38 provided in subsection 4 of this section. The department may enter into  
39 subsequent one-year contracts with eligible applicants, not to total more than five  
40 such contracts. The fifth one-year contract shall provide for a stipend to such  
41 applicants as provided in subsection 4 of this section. If the school district  
42 becomes accredited at any time during which the eligible applicant is teaching at  
43 a school under a contract entered into pursuant to this section, nothing in this  
44 section shall preclude the department and the eligible applicant from entering into  
45 subsequent contracts to teach within the school district. An eligible applicant  
46 who does not enter into a contract with the department under the provisions of  
47 this subsection shall not be eligible for repayment of educational loans or a  
48 stipend under the provisions of subsection 4 of this section.

49                   4. At the conclusion of each of the first four academic years that an  
50 eligible applicant engages in qualified employment, up to one-fourth of the  
51 eligible applicant's educational loans, not to exceed five thousand dollars per  
52 year, shall be repaid under terms provided in the contract. For applicants without  
53 any educational loans, the applicant may receive a stipend of up to five thousand  
54 dollars at the conclusion of each of the first four academic years that the eligible  
55 applicant engages in qualified employment. At the conclusion of the fifth  
56 academic year that an eligible applicant engages in qualified employment, a  
57 stipend in an amount equal to one thousand dollars shall be granted to the eligible  
58 applicant. The maximum of five thousand dollars per year and the stipend of one  
59 thousand dollars shall be adjusted annually by the same percentage as the  
60 increase in the general price level as measured by the Consumer Price Index for  
61 All Urban Consumers for the United States, or its successor index, as defined and  
62 officially recorded by the United States Department of Labor or its successor  
63 agency. The amount of any repayment of educational loans or the issuance of a  
64 stipend under this subsection shall not exceed the actual cost of tuition, required  
65 fees, and room and board for the eligible applicant at the institution of higher  
66 education from which the eligible applicant graduated.

67                   5. The department shall maintain a Missouri teaching fellows program  
68 coordinator position, the main responsibility of which shall be the identification,  
69 recruitment, and selection of potential students meeting the requirements of  
70 paragraph (b) of subdivision (2) of subsection 2 of this section. In selecting  
71 potential students, the coordinator shall give preference to applicants that  
72 represent a variety of racial backgrounds in order to ensure a diverse group of  
73 eligible applicants.

74                   6. The department shall promulgate rules to enforce the provisions of this  
75 section, including, but not limited to, applicant eligibility, selection criteria, and  
76 the content of loan repayment contracts. If the number of applicants exceeds the  
77 revenues available for loan repayment or stipends, priority shall be to those  
78 applicants with the highest high school grade-point average and highest scores  
79 on the ACT or SAT assessments.

80                   7. Any rule or portion of a rule, as that term is defined in section 536.010,  
81 that is created under the authority delegated in this section shall become effective  
82 only if it complies with and is subject to all of the provisions of chapter 536 and,  
83 if applicable, section 536.028. This section and chapter 536 are nonseverable and  
84 if any of the powers vested with the general assembly pursuant to chapter 536 to  
85 review, to delay the effective date, or to disapprove and annul a rule are  
86 subsequently held unconstitutional, then the grant of rulemaking authority and  
87 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

88                   8. There is hereby created in the state treasury the "Missouri Teaching  
89 Fellows Program Fund". The state treasurer shall be custodian of the fund and  
90 may approve disbursements from the fund in accordance with sections 30.170  
91 and 30.180. Private donations, federal grants, and other funds provided for the

92 implementation of this section shall be placed in the Missouri teaching fellows  
 93 program fund. Upon appropriation, money in the fund shall be used solely for the  
 94 repayment of loans and the payment of stipends under the provisions of this  
 95 section. Notwithstanding the provisions of section 33.080 to the contrary, any  
 96 moneys remaining in the fund at the end of the biennium shall not revert to the  
 97 credit of the general revenue fund. The state treasurer shall invest moneys in the  
 98 fund in the same manner as other funds are invested. Any interest and moneys  
 99 earned on such investments shall be credited to the fund.

100 9. Subject to appropriations, the general assembly shall include an  
 101 amount necessary to properly fund this section, not to exceed one million dollars  
 102 in any fiscal year. The maximum of one million dollars in any fiscal year shall  
 103 be adjusted annually by the same percentage as the increase in the general price  
 104 level as measured by the Consumer Price Index for All Urban Consumers for the  
 105 United States, or its successor index, as defined and officially recorded by the  
 106 United States Department of Labor or its successor agency.]  
 107

[168.702. Pursuant to section 23.253 of the Missouri sunset act:

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

5 (2) If such program is reauthorized, the program authorized under section  
 6 168.700 shall automatically sunset twelve years after the effective date of the  
 7 reauthorization of this act; and

8 (3) Section 168.700 shall terminate on September first of the calendar  
 9 year immediately following the calendar year in which a program authorized  
 10 under section 168.700 is sunset.]  
 11

12 THIS SECTION IS OBSOLETE DUE TO THE REPEAL OF SECTIONS 173.198 AND  
 13 173.199 IN 2012:

[173.197. Sections 173.197 to 173.199 shall be known and may be cited  
 2 as the "Higher Education Scholarship Program". The general assembly hereby  
 3 finds and declares that Missouri citizens should be encouraged to pursue  
 4 academic disciplines necessary for the future economic well-being of this state  
 5 to maintain competitiveness in a global economy; therefore, the purpose of  
 6 sections 173.197 to 173.199 is to increase the number of students pursuing and  
 7 receiving undergraduate degrees in mathematics, science, and foreign languages,  
 8 and to increase the number of students pursuing and receiving graduate degrees  
 9 in mathematics, science, engineering and foreign languages, by offering  
 10 scholarships and fellowships as incentives to pursue such disciplines.]  
 11

12 THIS SECTION SUNSET 08-28-13:

2 [208.178. 1. On or after July 1, 1995, the department of social services  
 may make available for purchase a policy of health insurance coverage through

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

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

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

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

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

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

29 4. Under section 23.253 of the Missouri sunset act:

30 (1) The provisions of the program authorized under this section shall  
31 automatically sunset one year after August 28, 2012, unless reauthorized by an  
32 act of the general assembly; and

33 (2) If such program is reauthorized, the program authorized under this  
34 section shall automatically sunset one year after the effective date of the  
35 reauthorization of this section; and

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

39

40 SECTION 208.275 CREATING THE COORDINATING COUNCIL ON SPECIAL  
41 TRANSPORTATION WAS REPEALED IN 2014:

2 [208.630. The coordinating council on special transportation created in  
3 section 208.275 shall, in cooperation with the department of social services,  
4 coordinate existing transportation reports for Missouri's elderly and persons with  
disabilities. Such reports shall be compiled as one comprehensive plan to meet



5 the special transportation needs of the elderly and persons with disabilities. The  
6 plan shall contain a strategy for implementation and recommendations for  
7 funding. The plan shall be delivered to the governor, the president pro tem of the  
8 senate, and the speaker of the house of representatives by September 1, 1995.]  
9

10 THIS SECTION EXPIRED 01-01-14:

2 [208.993. 1. The president pro tempore of the senate and the speaker of  
3 the house of representatives may jointly establish a committee to be known as the  
4 "Joint Committee on Medicaid Transformation".

5 2. The committee may study the following:

6 (1) Development of methods to prevent fraud and abuse in the MO  
7 HealthNet system;

8 (2) Advice on more efficient and cost-effective ways to provide coverage  
9 for MO HealthNet participants;

10 (3) An evaluation of how coverage for MO HealthNet participants can  
11 resemble that of commercially available health plans while complying with  
12 federal Medicaid requirements;

13 (4) Possibilities for promoting healthy behavior by encouraging patients  
14 to take ownership of their health care and seek early preventative care;

15 (5) Advice on the best manner in which to provide incentives, including  
16 a shared risk and savings to health plans and providers to encourage  
17 cost-effective delivery of care; and

18 (6) Ways that individuals who currently receive medical care coverage  
19 through the MO HealthNet program can transition to obtaining their health  
20 coverage through the private sector.

21 3. If established, the joint committee shall be composed of twelve  
22 members. Six members shall be from the senate, with four members appointed  
23 by the president pro tempore of the senate, and two members of the minority  
24 party appointed by the president pro tempore of the senate with the advice of the  
25 minority leader of the senate. Six members shall be from the house of  
26 representatives, with four members appointed by the speaker of the house of  
27 representatives, and two members of the minority party appointed by the speaker  
28 of the house of representatives with the advice of the minority leader of the house  
29 of representatives.

30 4. The provisions of this section shall expire on January 1, 2014.]

31 THIS SECTION ONLY APPLIES TO CALENDAR YEARS 2009, 2010, AND 2011:

2 [288.131. 1. For calendar years 2009, 2010, and 2011, each employer  
3 that is liable for contributions under this chapter, except employers with a  
4 contribution rate equal to zero, shall pay an annual unemployment automation  
5 surcharge in an amount equal to five one-hundredths of one percent of such  
6 employer's total taxable wages for the twelve-month period ending the preceding  
June thirtieth. However, the division may reduce the foregoing percentage to

7 ensure that the total amount of surcharge due from all employers under this  
8 subsection shall not exceed thirteen million dollars annually. Each employer  
9 liable to pay such surcharge shall be notified of the amount due under this  
10 subsection by March thirty-first of each year and such amount shall be considered  
11 delinquent thirty days thereafter. Delinquent unemployment automation  
12 surcharge amounts may be collected in the manner provided under sections  
13 288.160 and 288.170. All moneys collected under this subsection shall be  
14 deposited in the unemployment automation fund established in section 288.132.

15 2. For calendar years 2009, 2010, and 2011, the otherwise applicable  
16 unemployment contribution rate of each employer liable for contributions under  
17 this chapter shall be reduced by five one-hundredths of one percent, except such  
18 contribution rate shall not be less than zero.]

19

20 THE DEPARTMENT OF REVENUE IS PROHIBITED FROM COLLECTING DONATIONS  
21 AFTER 08-28-13:

2 [301.3031. 1. Whenever a vehicle owner pursuant to this chapter makes  
3 an application for a military license plate, the director of revenue shall notify the  
4 applicant that the applicant may make a voluntary contribution of ten dollars to  
5 the World War II memorial trust fund established pursuant to this section. The  
6 director shall transfer all contributions collected to the state treasurer for credit  
7 to and deposit in the trust fund. Beginning August 28, 2013, the director of  
8 revenue shall no longer collect the contribution authorized by this section.

9 2. There is established in the state treasury the "World War II Memorial  
10 Trust Fund". The state treasurer shall credit to and deposit in the World War II  
11 memorial trust fund all amounts received pursuant to this section, and any other  
12 amounts which may be received from grants, gifts, bequests, the federal  
13 government, or other sources granted or given for purposes of this section.

14 3. The Missouri veterans' commission shall administer the trust fund. The  
15 trust fund shall be used to participate in the funding of the National World War  
16 II Memorial to be located at a site dedicated on November 11, 1995, on the  
17 National Mall in Washington, D.C.

18 4. The state treasurer shall invest moneys in the trust fund in the same  
19 manner as surplus state funds are invested pursuant to section 30.260. All  
20 earnings resulting from the investment of moneys in the trust fund shall be  
21 credited to the trust fund. The general assembly may appropriate moneys  
22 annually from the trust fund to the department of revenue to offset costs incurred  
23 for collecting and transferring contributions pursuant to subsection 1 of this  
24 section. The provisions of section 33.080 requiring all unexpended balances  
25 remaining in various state funds to be transferred and placed to the credit of the  
26 ordinary revenue fund of this state at the end of each biennium shall not apply to  
27 the trust fund.]

28 THE INTERIM COMMITTEE CREATED IN THIS SECTION HAD NO AUTHORITY TO  
29 OPERATE AFTER JANUARY 8, 2014:

1 [338.321. 1. The "Missouri Oral Chemotherapy Parity Interim  
2 Committee" is hereby created to study the disparity in patient co-payments  
3 between orally and intravenously administered chemotherapies, the reasons for  
4 the disparity, and the patient benefits in establishing co-payment parity between  
5 oral and infused chemotherapy agents. The committee shall consider information  
6 on the costs or actuarial analysis associated with the delivery of patient oncology  
7 treatments.

8 2. The Missouri oral chemotherapy parity interim committee shall consist  
9 of the following members:

10 (1) Two members of the senate, appointed by the president pro tempore  
11 of the senate;

12 (2) Two members of the house of representatives, appointed by the  
13 speaker of the house of representatives;

14 (3) One member who is an oncologist or physician with expertise in the  
15 practice of oncology licensed in this state under chapter 334;

16 (4) One member who is an oncology nurse licensed in this state under  
17 chapter 335;

18 (5) One member who is a representative of a Missouri pharmacy benefit  
19 management company;

20 (6) One member from an organization representing licensed pharmacists  
21 in this state;

22 (7) One member from the business community representing businesses  
23 on health insurance issues;

24 (8) One member from an organization representing the leading  
25 research-based pharmaceutical and biotechnology companies;

26 (9) One patient advocate;

27 (10) One member from the organization representing a majority of  
28 hospitals in this state;

29 (11) One member from a health carrier as such term is defined under  
30 section 376.1350;

31 (12) One member from the organization representing a majority of health  
32 carriers in this state, as such term is defined under section 376.1350;

33 (13) One member from the American Cancer Society; and

34 (14) One member from an organization representing generic  
35 pharmaceutical drug manufacturers.

36 3. All members, except for the members from the general assembly, shall  
37 be appointed by the governor no later than September 1, 2013. The department  
38 of insurance, financial institutions and professional registration shall provide  
39 assistance to the committee.

40 4. No later than January 1, 2014, the committee shall submit a report to  
41 the governor, the speaker of the house of representatives, the president pro

42 tempore of the senate, and the appropriate legislative committee of the general  
43 assembly regarding the results of the study and any legislative recommendations.]  
44

45 COVERAGE UNDER SECTIONS 376.960 TO 376.989 EXPIRED 01-01-14:

[376.960. As used in sections 376.960 to 376.989, the following terms  
2 mean:

3 (1) "Benefit plan", the coverages to be offered by the pool to eligible  
4 persons pursuant to the provisions of section 376.986;

5 (2) "Board", the board of directors of the pool;

6 (3) "Church plan", a plan as defined in Section 3(33) of the Employee  
7 Retirement Income Security Act of 1974, as amended;

8 (4) "Creditable coverage", with respect to an individual:

9 (a) Coverage of the individual provided under any of the following:

10 a. A group health plan;

11 b. Health insurance coverage;

12 c. Part A or Part B of Title XVIII of the Social Security Act;

13 d. Title XIX of the Social Security Act, other than coverage consisting  
14 solely of benefits under Section 1928;

15 e. Chapter 55 of Title 10, United States Code;

16 f. A medical care program of the Indian Health Service or of a tribal  
17 organization;

18 g. A state health benefits risk pool;

19 h. A health plan offered under Chapter 89 of Title 5, United States Code;

20 i. A public health plan as defined in federal regulations; or

21 j. A health benefit plan under Section 5(e) of the Peace Corps Act, 22  
22 U.S.C. 2504(e);

23 (b) Creditable coverage does not include coverage consisting solely of  
24 excepted benefits;

25 (5) "Department", the Missouri department of insurance, financial  
26 institutions and professional registration;

27 (6) "Dependent", a resident spouse or resident unmarried child under the  
28 age of nineteen years, a child who is a student under the age of twenty-five years  
29 and who is financially dependent upon the parent, or a child of any age who is  
30 disabled and dependent upon the parent;

31 (7) "Director", the director of the Missouri department of insurance,  
32 financial institutions and professional registration;

33 (8) "Excepted benefits":

34 (a) Coverage only for accident, including accidental death and  
35 dismemberment, insurance;

36 (b) Coverage only for disability income insurance;

37 (c) Coverage issued as a supplement to liability insurance;

38 (d) Liability insurance, including general liability insurance and  
39 automobile liability insurance;

- 40 (e) Workers' compensation or similar insurance;
- 41 (f) Automobile medical payment insurance;
- 42 (g) Credit-only insurance;
- 43 (h) Coverage for on-site medical clinics;
- 44 (i) Other similar insurance coverage, as approved by the director, under
- 45 which benefits for medical care are secondary or incidental to other insurance
- 46 benefits;
- 47 (j) If provided under a separate policy, certificate or contract of
- 48 insurance, any of the following:
- 49 a. Limited scope dental or vision benefits;
- 50 b. Benefits for long-term care, nursing home care, home health care,
- 51 community-based care, or any combination thereof;
- 52 c. Other similar, limited benefits as specified by the director;
- 53 (k) If provided under a separate policy, certificate or contract of
- 54 insurance, any of the following:
- 55 a. Coverage only for a specified disease or illness;
- 56 b. Hospital indemnity or other fixed indemnity insurance;
- 57 (l) If offered as a separate policy, certificate or contract of insurance, any
- 58 of the following:
- 59 a. Medicare supplemental coverage (as defined under Section 1882(g)(1)
- 60 of the Social Security Act);
- 61 b. Coverage supplemental to the coverage provided under Chapter 55 of
- 62 Title 10, United States Code;
- 63 c. Similar supplemental coverage provided to coverage under a group
- 64 health plan;
- 65 (9) "Federally defined eligible individual", an individual:
- 66 (a) For whom, as of the date on which the individual seeks coverage
- 67 through the pool, the aggregate of the periods of creditable coverage as defined
- 68 in this section is eighteen or more months and whose most recent prior creditable
- 69 coverage was under a group health plan, governmental plan, church plan, or
- 70 health insurance coverage offered in connection with any such plan;
- 71 (b) Who is not eligible for coverage under a group health plan, Part A or
- 72 Part B of Title XVIII of the Social Security Act, or state plan under Title XIX of
- 73 such act or any successor program, and who does not have other health insurance
- 74 coverage;
- 75 (c) With respect to whom the most recent coverage within the period of
- 76 aggregate creditable coverage was not terminated because of nonpayment of
- 77 premiums or fraud;
- 78 (d) Who, if offered the option of continuation coverage under COBRA
- 79 continuation provision or under a similar state program, both elected and
- 80 exhausted the continuation coverage;

81 (10) "Governmental plan", a plan as defined in Section 3(32) of the  
82 Employee Retirement Income Security Act of 1974 and any federal governmental  
83 plan;

84 (11) "Group health plan", an employee welfare benefit plan as defined in  
85 Section 3(1) of the Employee Retirement Income Security Act of 1974 and Public  
86 Law 104-191 to the extent that the plan provides medical care and including  
87 items and services paid for as medical care to employees or their dependents as  
88 defined under the terms of the plan directly or through insurance, reimbursement  
89 or otherwise, but not including excepted benefits;

90 (12) "Health insurance", any hospital and medical expense incurred  
91 policy, nonprofit health care service for benefits other than through an insurer,  
92 nonprofit health care service plan contract, health maintenance organization  
93 subscriber contract, preferred provider arrangement or contract, or any other  
94 similar contract or agreement for the provisions of health care benefits. The term  
95 "health insurance" does not include accident, fixed indemnity, limited benefit or  
96 credit insurance, coverage issued as a supplement to liability insurance, insurance  
97 arising out of a workers' compensation or similar law, automobile  
98 medical-payment insurance, or insurance under which benefits are payable with  
99 or without regard to fault and which is statutorily required to be contained in any  
100 liability insurance policy or equivalent self-insurance;

101 (13) "Health maintenance organization", any person which undertakes to  
102 provide or arrange for basic and supplemental health care services to enrollees  
103 on a prepaid basis, or which meets the requirements of section 1301 of the United  
104 States Public Health Service Act;

105 (14) "Hospital", a place devoted primarily to the maintenance and  
106 operation of facilities for the diagnosis, treatment or care for not less than  
107 twenty-four hours in any week of three or more nonrelated individuals suffering  
108 from illness, disease, injury, deformity or other abnormal physical condition; or  
109 a place devoted primarily to provide medical or nursing care for three or more  
110 nonrelated individuals for not less than twenty-four hours in any week. The term  
111 "hospital" does not include convalescent, nursing, shelter or boarding homes, as  
112 defined in chapter 198;

113 (15) "Insurance arrangement", any plan, program, contract or other  
114 arrangement under which one or more employers, unions or other organizations  
115 provide to their employees or members, either directly or indirectly through a  
116 trust or third party administration, health care services or benefits other than  
117 through an insurer;

118 (16) "Insured", any individual resident of this state who is eligible to  
119 receive benefits from any insurer or insurance arrangement, as defined in this  
120 section;

121 (17) "Insurer", any insurance company authorized to transact health  
122 insurance business in this state, any nonprofit health care service plan act, or any  
123 health maintenance organization;

- 124 (18) "Medical care", amounts paid for:  
 125 (a) The diagnosis, care, mitigation, treatment, or prevention of disease,  
 126 or amounts paid for the purpose of affecting any structure or function of the body;  
 127 (b) Transportation primarily for and essential to medical care referred to  
 128 in paragraph (a) of this subdivision; and  
 129 (c) Insurance covering medical care referred to in paragraphs (a) and (b)  
 130 of this subdivision;  
 131 (19) "Medicare", coverage under both part A and part B of Title XVIII  
 132 of the Social Security Act, 42 U.S.C. 1395 et seq., as amended;  
 133 (20) "Member", all insurers and insurance arrangements participating in  
 134 the pool;  
 135 (21) "Physician", physicians and surgeons licensed under chapter 334 or  
 136 by state board of healing arts in the state of Missouri;  
 137 (22) "Plan of operation", the plan of operation of the pool, including  
 138 articles, bylaws and operating rules, adopted by the board pursuant to the  
 139 provisions of sections 376.961, 376.962 and 376.964;  
 140 (23) "Pool", the state health insurance pool created in sections 376.961,  
 141 376.962 and 376.964;  
 142 (24) "Resident", an individual who has been legally domiciled in this  
 143 state for a period of at least thirty days, except that for a federally defined eligible  
 144 individual, there shall not be a thirty-day requirement;  
 145 (25) "Significant break in coverage", a period of sixty-three consecutive  
 146 days during all of which the individual does not have any creditable coverage,  
 147 except that neither a waiting period nor an affiliation period is taken into account  
 148 in determining a significant break in coverage;  
 149 (26) "Trade act eligible individual", an individual who is eligible for the  
 150 federal health coverage tax credit under the Trade Act of 2002, Public Law  
 151 107-210.]  
 152

2 [376.961. 1. There is hereby created a nonprofit entity to be known as  
 3 the "Missouri Health Insurance Pool". All insurers issuing health insurance in  
 4 this state and insurance arrangements providing health plan benefits in this state  
 5 shall be members of the pool.

6 2. Beginning January 1, 2007, the board of directors shall consist of the  
 7 director of the department of insurance, financial institutions and professional  
 8 registration or the director's designee, and eight members appointed by the  
 9 director. Of the initial eight members appointed, three shall serve a three-year  
 10 term, three shall serve a two-year term, and two shall serve a one-year term. All  
 11 subsequent appointments to the board shall be for three-year terms. Members of  
 12 the board shall have a background and experience in health insurance plans or  
 13 health maintenance organization plans, in health care finance, or as a health care  
 14 provider or a member of the general public; except that, the director shall not be  
 required to appoint members from each of the categories listed. The director may

15 reappoint members of the board. The director shall fill vacancies on the board  
16 in the same manner as appointments are made at the expiration of a member's  
17 term and may remove any member of the board for neglect of duty, misfeasance,  
18 malfeasance, or nonfeasance in office.

19 3. Beginning August 28, 2007, the board of directors shall consist of  
20 fourteen members. The board shall consist of the director and the eight members  
21 described in subsection 2 of this section and shall consist of the following  
22 additional five members:

23 (1) One member from a hospital located in Missouri, appointed by the  
24 governor, with the advice and consent of the senate;

25 (2) Two members of the senate, with one member from the majority party  
26 appointed by the president pro tem of the senate and one member of the minority  
27 party appointed by the president pro tem of the senate with the concurrence of the  
28 minority floor leader of the senate; and

29 (3) Two members of the house of representatives, with one member from  
30 the majority party appointed by the speaker of the house of representatives and  
31 one member of the minority party appointed by the speaker of the house of  
32 representatives with the concurrence of the minority floor leader of the house of  
33 representatives.

34 4. The members appointed under subsection 3 of this section shall serve  
35 in an ex officio capacity. The terms of the members of the board of directors  
36 appointed under subsection 3 of this section shall expire on December 31, 2009.  
37 On such date, the membership of the board shall revert back to nine members as  
38 provided for in subsection 2 of this section.

39 5. Beginning on August 28, 2013, the board of directors, on behalf of the  
40 pool, the executive director, and any other employees of the pool, shall have the  
41 authority to provide assistance or resources to any department, agency, public  
42 official, employee, or agent of the federal government for the specific purpose of  
43 transitioning individuals enrolled in the pool to coverage outside of the pool  
44 beginning on or before January 1, 2014. Such authority does not extend to  
45 authorizing the pool to implement, establish, create, administer, or otherwise  
46 operate a state-based exchange.]

47

2 [376.962. 1. The board of directors on behalf of the pool shall submit to  
3 the director a plan of operation for the pool and any amendments thereto  
4 necessary or suitable to assure the fair, reasonable and equitable administration  
5 of the pool. After notice and hearing, the director shall approve the plan of  
6 operation, provided it is determined to be suitable to assure the fair, reasonable  
7 and equitable administration of the pool, and it provides for the sharing of pool  
8 gains or losses on an equitable proportionate basis. The plan of operation shall  
9 become effective upon approval in writing by the director consistent with the date  
10 on which the coverage under sections 376.960 to 376.989 becomes available. If  
the pool fails to submit a suitable plan of operation within one hundred eighty



11 days after the appointment of the board of directors, or at any time thereafter fails  
12 to submit suitable amendments to the plan, the director shall, after notice and  
13 hearing, adopt and promulgate such reasonable rules as are necessary or advisable  
14 to effectuate the provisions of this section. Such rules shall continue in force  
15 until modified by the director or superseded by a plan submitted by the pool and  
16 approved by the director.

17 2. In its plan, the board of directors of the pool shall:

18 (1) Establish procedures for the handling and accounting of assets and  
19 moneys of the pool;

20 (2) Select an administering insurer or third-party administrator in  
21 accordance with section 376.968;

22 (3) Establish procedures for filling vacancies on the board of directors;  
23 and

24 (4) Establish procedures for the collection of assessments from all  
25 members to provide for claims paid under the plan and for administrative  
26 expenses incurred or estimated to be incurred during the period for which the  
27 assessment is made. The level of payments shall be established by the board  
28 pursuant to the provisions of section 376.973. Assessment shall occur at the end  
29 of each calendar year and shall be due and payable within thirty days of receipt  
30 of the assessment notice.

31 3. On or before September 1, 2013, the board shall submit the  
32 amendments to the plan of operation as are necessary or suitable to ensure a  
33 reasonable transition period to allow for the termination of issuance of policies  
34 by the pool.

35 4. The amendments to the plan of operation submitted by the board shall  
36 include all of the requirements outlined in subsection 2 of this section and shall  
37 address the transition of individuals covered under the pool to alternative health  
38 insurance coverage as it is available after January 1, 2014. The plan of operation  
39 shall also address procedures for finalizing the financial matters of the pool,  
40 including assessments, claims expenses, and other matters identified in  
41 subsection 2 of this section.

42 5. The director shall review the plan of operation submitted under  
43 subsection 3 of this section and shall promulgate rules to effectuate the  
44 transitional plan of operation. Such rules shall be effective no later than October  
45 1, 2013. 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, 2013, shall be invalid and void.]  
53

2 [376.964. The board of directors and administering insurers of the pool  
3 shall have the general powers and authority granted under the laws of this state  
4 to insurance companies licensed to transact health insurance as defined in section  
5 376.960, and, in addition thereto, the specific authority to:

6 (1) Enter into contracts as are necessary or proper to carry out the  
7 provisions and purposes of sections 376.960 to 376.989, including the authority,  
8 with the approval of the director, to enter into contracts with similar pools of  
9 other states for the joint performance of common administrative functions, or  
10 with persons or other organizations for the performance of administrative  
11 functions;

12 (2) Sue or be sued, including taking any legal actions necessary or proper  
13 for recovery of any assessments for, on behalf of, or against pool members;

14 (3) Take such legal actions as necessary to avoid the payment of  
15 improper claims against the pool or the coverage provided by or through the pool;

16 (4) Establish appropriate rates, rate schedules, rate adjustments, expense  
17 allowances, agents' referral fees, claim reserve formulas and any other actuarial  
18 function appropriate to the operation of the pool. Rates shall not be unreasonable  
19 in relation to the coverage provided, the risk experience and expenses of  
20 providing the coverage. Rates and rate schedules may be adjusted for appropriate  
21 risk factors such as age and area variation in claim costs and shall take into  
22 consideration appropriate risk factors in accordance with established actuarial and  
23 underwriting practices;

24 (5) Assess members of the pool in accordance with the provisions of this  
25 section, and to make advance interim assessments as may be reasonable and  
26 necessary for the organizational and interim operating expenses. Any such  
27 interim assessments are to be credited as offsets against any regular assessments  
28 due following the close of the fiscal year;

29 (6) Prior to January 1, 2014, issue policies of insurance in accordance  
30 with the requirements of sections 376.960 to 376.989. In no event shall new  
31 policies of insurance be issued on or after January 1, 2014;

32 (7) Appoint, from among members, appropriate legal, actuarial and other  
33 committees as necessary to provide technical assistance in the operation of the  
34 pool, policy or other contract design, and any other function within the authority  
35 of the pool;

36 (8) Establish rules, conditions and procedures for reinsuring risks of pool  
37 members desiring to issue pool plan coverages in their own name. Such  
38 reinsurance facility shall not subject the pool to any of the capital or surplus  
39 requirements, if any, otherwise applicable to reinsurers;

40 (9) Negotiate rates of reimbursement with health care providers on behalf  
41 of the association and its members;

42 (10) Administer separate accounts to separate federally defined eligible  
individuals and trade act eligible individuals who qualify for plan coverage from

43 the other eligible individuals entitled to pool coverage and apportion the costs of  
44 administration among such separate accounts.]  
45

2 [376.965. No member of the board of directors of the Missouri health  
3 insurance pool shall be civilly liable, either jointly or separately, as a result of any  
4 act, omission or decision in performance of his duties as specifically required by  
5 sections 376.960 to 376.989. Such immunity shall not attach for any intentional  
6 or reckless act affecting the property or rights of any person.]

2 [376.966. 1. No employee shall involuntarily lose his or her group  
3 coverage by decision of his or her employer on the grounds that such employee  
4 may subsequently enroll in the pool. The department shall have authority to  
5 promulgate rules and regulations to enforce this subsection.

6 2. Prior to January 1, 2014, the following individual persons shall be  
7 eligible for coverage under the pool if they are and continue to be residents of this  
8 state:

9 (1) An individual person who provides evidence of the following:

10 (a) A notice of rejection or refusal to issue substantially similar health  
11 insurance for health reasons by at least two insurers; or

12 (b) A refusal by an insurer to issue health insurance except at a rate  
13 exceeding the plan rate for substantially similar health insurance;

14 (2) A federally defined eligible individual who has not experienced a  
15 significant break in coverage;

16 (3) A trade act eligible individual;

17 (4) Each resident dependent of a person who is eligible for plan coverage;

18 (5) Any person, regardless of age, that can be claimed as a dependent of  
19 a trade act eligible individual on such trade act eligible individual's tax filing;

20 (6) Any person whose health insurance coverage is involuntarily  
21 terminated for any reason other than nonpayment of premium or fraud, and who  
22 is not otherwise ineligible under subdivision (4) of subsection 3 of this section.  
23 If application for pool coverage is made not later than sixty-three days after the  
24 involuntary termination, the effective date of the coverage shall be the date of  
25 termination of the previous coverage;

26 (7) Any person whose premiums for health insurance coverage have  
27 increased above the rate established by the board under paragraph (a) of  
28 subdivision (1) of subsection 3 of this section;

29 (8) Any person currently insured who would have qualified as a federally  
30 defined eligible individual or a trade act eligible individual between the effective  
31 date of the federal Health Insurance Portability and Accountability Act of 1996,  
32 Public Law 104-191 and the effective date of this act.

33 3. The following individual persons shall not be eligible for coverage  
under the pool:

34 (1) Persons who have, on the date of issue of coverage by the pool, or  
35 obtain coverage under health insurance or an insurance arrangement substantially  
36 similar to or more comprehensive than a plan policy, or would be eligible to have  
37 coverage if the person elected to obtain it, except that:

38 (a) This exclusion shall not apply to a person who has such coverage but  
39 whose premiums have increased to one hundred fifty percent to two hundred  
40 percent of rates established by the board as applicable for individual standard  
41 risks;

42 (b) A person may maintain other coverage for the period of time the  
43 person is satisfying any preexisting condition waiting period under a pool policy;  
44 and

45 (c) A person may maintain plan coverage for the period of time the  
46 person is satisfying a preexisting condition waiting period under another health  
47 insurance policy intended to replace the pool policy;

48 (2) Any person who is at the time of pool application receiving health  
49 care benefits under section 208.151;

50 (3) Any person having terminated coverage in the pool unless twelve  
51 months have elapsed since such termination, unless such person is a federally  
52 defined eligible individual;

53 (4) Any person on whose behalf the pool has paid out one million dollars  
54 in benefits;

55 (5) Inmates or residents of public institutions, unless such person is a  
56 federally defined eligible individual, and persons eligible for public programs;

57 (6) Any person whose medical condition which precludes other insurance  
58 coverage is directly due to alcohol or drug abuse or self-inflicted injury, unless  
59 such person is a federally defined eligible individual or a trade act eligible  
60 individual;

61 (7) Any person who is eligible for Medicare coverage.

62 4. Any person who ceases to meet the eligibility requirements of this  
63 section may be terminated at the end of such person's policy period.

64 5. If an insurer issues one or more of the following or takes any other  
65 action based wholly or partially on medical underwriting considerations which  
66 is likely to render any person eligible for pool coverage, the insurer shall notify  
67 all persons affected of the existence of the pool, as well as the eligibility  
68 requirements and methods of applying for pool coverage:

69 (1) A notice of rejection or cancellation of coverage;

70 (2) A notice of reduction or limitation of coverage, including restrictive  
71 riders, if the effect of the reduction or limitation is to substantially reduce  
72 coverage compared to the coverage available to a person considered a standard  
73 risk for the type of coverage provided by the plan.

74 6. Coverage under the pool shall expire on January 1, 2014.]

75

2 [376.968. The board shall select an insurer, insurers, or third-party  
3 administrators through a competitive bidding process to administer the pool. The  
4 board shall evaluate bids submitted based on criteria established by the board  
5 which shall include:

- 6 (1) The insurer's proven ability to handle individual accident and health  
7 insurance;
- 8 (2) The efficiency of the insurer's claim-paying procedures;
- 9 (3) An estimate of total charges for administering the plan;
- 10 (4) The insurer's ability to administer the pool in a cost-efficient manner.]

2 [376.970. 1. The administering insurer shall serve for a period of three  
3 years subject to removal for cause. At least one year prior to the expiration of  
4 each three-year period of service by an administering insurer, the board shall  
5 invite all insurers, including the current administering insurer, to submit bids to  
6 serve as the administering insurer for the succeeding three-year period. Selection  
7 of the administering insurer for the succeeding period shall be made at least six  
8 months prior to the end of the current three-year period.

9 2. The administering insurer shall:

- 10 (1) Perform all eligibility and administrative claim-payment functions  
11 relating to the pool;
- 12 (2) Establish a premium billing procedure for collection of premium from  
13 insured persons. Billings shall be made on a period basis as determined by the  
14 board;
- 15 (3) Perform all necessary functions to assure timely payment of benefits  
16 to covered persons under the pool including:
  - 17 (a) Making available information relating to the proper manner of  
18 submitting a claim for benefits to the pool and distributing forms upon which  
19 submission shall be made;
  - 20 (b) Evaluating the eligibility of each claim for payment by the pool;
- 21 (4) Submit regular reports to the board regarding the operation of the  
22 pool. The frequency, content and form of the report shall be determined by the  
23 board;
- 24 (5) Following the close of each calendar year, determine net written and  
25 earned premiums, the expense of administration, and the paid and incurred losses  
26 for the year and report this information to the board and the department on a form  
27 prescribed by the director;
- 28 (6) Be paid as provided in the plan of operation for its expenses incurred  
29 in the performance of its services.

30 3. On or before September 1, 2013, the board shall invite all insurers and  
31 third-party administrators, including the current administering insurer, to submit  
32 bids to serve as the administering insurer or third-party administrator for the pool.  
33 Selection of the administering insurer or third-party administrator shall be made  
prior to January 1, 2014.

34 4. Beginning January 1, 2014, the administering insurer or third-party  
35 administrator shall:

36 (1) Submit to the board and director a detailed plan outlining the winding  
37 down of operations of the pool. The plan shall be submitted no later than January  
38 31, 2014, and shall be updated quarterly thereafter;

39 (2) Perform all administrative claim-payment functions relating to the  
40 pool;

41 (3) Perform all necessary functions to assure timely payment of benefits  
42 to covered persons under the pool including:

43 (a) Making available information relating to the proper manner of  
44 submitting a claim for benefits to the pool and distributing forms upon which  
45 submission shall be made;

46 (b) Evaluating the eligibility of each claim for payment by the pool;

47 (4) Submit regular reports to the board regarding the operation of the  
48 pool. The frequency, content and form of the report shall be determined by the  
49 board;

50 (5) Following the close of each calendar year, determine the expense of  
51 administration, and the paid and incurred losses for the year, and report such  
52 information to the board and department on a form prescribed by the director;

53 (6) Be paid as provided in the plan of operation for its expenses incurred  
54 in the performance of its services.]  
55

2 [376.973. 1. Following the close of each fiscal year, the pool  
3 administrator shall determine the net premiums (premiums less administrative  
4 expense allowances), the pool expenses of administration and the incurred losses  
5 for the year, taking into account investment income and other appropriate gains  
6 and losses. Health insurance premiums and benefits paid by an insurance  
7 arrangement that are less than an amount determined by the board to justify the  
8 cost of collection shall not be considered for purposes of determining  
9 assessments. The total cost of pool operation shall be the amount by which all  
10 program expenses, including pool expenses of administration, incurred losses for  
11 the year, and other appropriate losses exceeds all program revenues, including net  
12 premiums, investment income, and other appropriate gains.

13 2. Each insurer's assessment shall be determined by multiplying the total  
14 cost of pool operation by a fraction, the numerator of which equals that insurer's  
15 premium and subscriber contract charges for health insurance written in the state  
16 during the preceding calendar year and the denominator of which equals the total  
17 of all premiums, subscriber contract charges written in the state and one hundred  
18 ten percent of all claims paid by insurance arrangements in the state during the  
19 preceding calendar year; provided, however, that the assessment for each health  
20 maintenance organization shall be determined through the application of an  
21 equitable formula based upon the value of services provided in the preceding  
calendar year.

22           3. Each insurance arrangement's assessment shall be determined by  
23 multiplying the total cost of pool operation calculated under subsection 1 of this  
24 section by a fraction, the numerator of which equals one hundred ten percent of  
25 the benefits paid by that insurance arrangement on behalf of insureds in this state  
26 during the preceding calendar year and the denominator of which equals the total  
27 of all premiums, subscriber contract charges and one hundred ten percent of all  
28 benefits paid by insurance arrangements made on behalf of insureds in this state  
29 during the preceding calendar year. Insurance arrangements shall report to the  
30 board claims payments made in this state on an annual basis on a form prescribed  
31 by the director.

32           4. If assessments exceed actual losses and administrative expenses of the  
33 pool, the excess shall be held at interest and used by the board to offset future  
34 losses or to reduce pool premiums. As used in this subsection, "future losses"  
35 include reserves for incurred but not paid claims.

36           5. Assessments shall continue until such a time as the executive director  
37 of the pool provides notice to the board and director that all claims have been  
38 paid.

39           6. Any assessment funds remaining at the time the executive director  
40 provides notice that all claims have been paid shall be deposited in the state  
41 general revenue fund.]  
42

2           [376.975. Each member's proportion of participation in the pool shall be  
3 determined annually by the board based on annual statements and other reports  
4 deemed necessary by the board and filed by the member with it. Any deficit  
5 incurred by the pool shall be recouped by assessments apportioned as provided  
6 in subsections 1, 2, and 3 of section 376.973 by the board among members. The  
7 amount of assessments incurred by each member of the pool shall be allowed as  
8 an offset against certain taxes, and shall be subject to certain limitations, as  
9 follows: Each pool member subject to chapter 148 may deduct from premium  
10 taxes payable for any calendar year to the state any and all assessments paid for  
11 the same year pursuant to sections 376.960 to 376.989. All assessments, for a  
12 fiscal year, shall not exceed the net premium tax due and payable by such  
13 member in the previous year. If the assessment exceeds any premium tax due or  
14 payable in such year, the excess shall be a credit or offset carried forward against  
15 any premium tax due or payable in succeeding years until the excess is  
16 exhausted.]

2           [376.978. The director of revenue shall determine the difference between  
3 the amount of money the state treasurer, pursuant to sections 148.350 and  
4 148.380, is required to credit to the county foreign insurance tax fund under the  
5 provisions of sections 376.960 to 376.989 and the amount of money the state  
6 treasurer, pursuant to sections 148.350 and 148.380, would be required to credit  
to the county foreign insurance tax fund if sections 376.960 to 376.989 were not

7 law. If the director determines that sections 376.960 to 376.989 reduce the  
8 amount of money that will be credited to the county foreign insurance tax fund,  
9 then the director shall inform the state treasurer of such amount and,  
10 notwithstanding sections 148.350 and 148.380, the state treasurer shall reimburse  
11 the county foreign insurance tax fund in an amount equal to such difference by  
12 reducing by the same amount the portion that would otherwise be credited to the  
13 general revenue fund.]  
14

2 [376.980. Each pool member exempt from chapter 148 shall be allowed  
3 to offset against any sales or use tax on purchases due, paid, or payable in the  
4 calendar year in which such assessments are made. Further, such assessment, for  
5 any fiscal year, shall not exceed one percent of nongroup premium income,  
6 exclusive of Medicare supplement programs, received in the previous year. If the  
7 assessment exceeds the part of any sales tax or use tax due or payable in such  
8 year, the excess shall be a credit or offset carried forward against the part of any  
9 sales tax or use tax due or payable in succeeding years until the excess is  
10 exhausted. The director of revenue, in consultation with the board, shall  
11 promulgate and enforce reasonable rules and regulations and prescribe forms for  
12 the administration and enforcement of this law.]

2 [376.982. No rule or portion of a rule promulgated under the authority of  
3 this chapter shall become effective unless it has been promulgated pursuant to the  
4 provisions of section 536.024.]

2 [376.984. The board may abate or defer, in whole or in part, the  
3 assessment of a member if, in the opinion of the board, payment of the  
4 assessment would endanger the ability of the member to fulfill its contractual  
5 obligations. In the event an assessment against a member is abated or deferred  
6 in whole or in part, the amount by which such assessment is abated or deferred  
7 may be assessed against the other members in a manner consistent with the basis  
8 for assessment set forth in subsections 1, 2, and 3 of section 376.973. The  
9 member receiving such abatement or deferment shall remain liable to the pool for  
10 the deficiency for four years.]

2 [376.986. 1. The pool shall offer major medical expense coverage to  
3 every person eligible for coverage under section 376.966. The coverage to be  
4 issued by the pool and its schedule of benefits, exclusions and other limitations,  
5 shall be established by the board with the advice and recommendations of the  
6 pool members, and such plan of pool coverage shall be submitted to the director  
7 for approval. The pool shall also offer coverage for drugs and supplies requiring  
8 a medical prescription and coverage for patient education services, to be provided  
9 at the direction of a physician, encompassing the provision of information,  
therapy, programs, or other services on an inpatient or outpatient basis, designed



10 to restrict, control, or otherwise cause remission of the covered condition, illness  
11 or defect.

12 2. In establishing the pool coverage the board shall take into  
13 consideration the levels of health insurance provided in this state and medical  
14 economic factors as may be deemed appropriate, and shall promulgate benefit  
15 levels, deductibles, coinsurance factors, exclusions and limitations determined  
16 to be generally reflective of and commensurate with health insurance provided  
17 through a representative number of insurers in this state.

18 3. The pool shall establish premium rates for pool coverage as provided  
19 in subsection 4 of this section. Separate schedules of premium rates based on  
20 age, sex and geographical location may apply for individual risks. Premium rates  
21 and schedules shall be submitted to the director for approval prior to use.

22 4. The pool, with the assistance of the director, shall determine the  
23 standard risk rate by considering the premium rates charged by other insurers  
24 offering health insurance coverage to individuals. The standard risk rate shall be  
25 established using reasonable actuarial techniques and shall reflect anticipated  
26 experience and expenses for such coverage. Initial rates for pool coverage shall  
27 not be less than one hundred twenty-five percent of rates established as applicable  
28 for individual standard risks. Subject to the limits provided in this subsection,  
29 subsequent rates shall be established to provide fully for the expected costs of  
30 claims including recovery of prior losses, expenses of operation, investment  
31 income of claim reserves, and any other cost factors subject to the limitations  
32 described herein. In no event shall pool rates exceed the following:

33 (1) For federally defined eligible individuals and trade act eligible  
34 individuals, rates shall be equal to the percent of rates applicable to individual  
35 standard risks actuarially determined to be sufficient to recover the sum of the  
36 cost of benefits paid under the pool for federally defined and trade act eligible  
37 individuals plus the proportion of the pool's administrative expense applicable to  
38 federally defined and trade act eligible individuals enrolled for pool coverage,  
39 provided that such rates shall not exceed one hundred fifty percent of rates  
40 applicable to individual standard risks; and

41 (2) For all other individuals covered under the pool, one hundred fifty  
42 percent of rates applicable to individual standard risks.

43 5. Pool coverage established pursuant to this section shall provide an  
44 appropriate high and low deductible to be selected by the pool applicant. The  
45 deductibles and coinsurance factors may be adjusted annually in accordance with  
46 the medical component of the consumer price index.

47 6. Pool coverage shall exclude charges or expenses incurred during the  
48 first twelve months following the effective date of coverage as to any condition  
49 for which medical advice, care or treatment was recommended or received as to  
50 such condition during the six-month period immediately preceding the effective  
51 date of coverage. Such preexisting condition exclusions shall be waived to the  
52 extent to which similar exclusions, if any, have been satisfied under any prior

53 health insurance coverage which was involuntarily terminated, if application for  
54 pool coverage is made not later than sixty-three days following such involuntary  
55 termination and, in such case, coverage in the pool shall be effective from the  
56 date on which such prior coverage was terminated.

57 7. No preexisting condition exclusion shall be applied to the following:

58 (1) A federally defined eligible individual who has not experienced a  
59 significant gap in coverage; or

60 (2) A trade act eligible individual who maintained creditable health  
61 insurance coverage for an aggregate period of three months prior to loss of  
62 employment and who has not experienced a significant gap in coverage since that  
63 time.

64 8. Benefits otherwise payable under pool coverage shall be reduced by  
65 all amounts paid or payable through any other health insurance, or insurance  
66 arrangement, and by all hospital and medical expense benefits paid or payable  
67 under any workers' compensation coverage, automobile medical payment or  
68 liability insurance whether provided on the basis of fault or nonfault, and by any  
69 hospital or medical benefits paid or payable under or provided pursuant to any  
70 state or federal law or program except Medicaid. The insurer or the pool shall  
71 have a cause of action against an eligible person for the recovery of the amount  
72 of benefits paid which are not for covered expenses. Benefits due from the pool  
73 may be reduced or refused as a setoff against any amount recoverable under this  
74 subsection.

75 9. Medical expenses shall include expenses for comparable benefits for  
76 those who rely solely on spiritual means through prayer for healing.]

77 [376.987. 1. The board shall offer to all eligible persons for pool  
2 coverage under section 376.966 the option of receiving health insurance coverage  
3 through a high-deductible health plan and the establishment of a health savings  
4 account. In order for a qualified individual to obtain a high-deductible health  
5 plan through the pool, such individual shall present evidence, in a manner  
6 prescribed by regulation, to the board that he or she has established a health  
7 savings account in compliance with 26 U.S.C. Section 223, and any amendments  
8 and regulations promulgated thereto.

9 2. As used in this section, the term "health savings account" shall have  
10 the same meaning ascribed to it as in 26 U.S.C. Section 223(d), as amended. The  
11 term "high-deductible health plan" shall mean a policy or contract of health  
12 insurance or health care plan that meets the criteria established in 26 U.S.C.  
13 Section 223(c)(2), as amended, and any regulations promulgated thereunder.

14 3. The board is authorized to promulgate rules and regulations for the  
15 administration and implementation of this section. Any rule or portion of a rule,  
16 as that term is defined in section 536.010, that is created under the authority  
17 delegated in this section shall become effective only if it complies with and is  
18 subject to all of the provisions of chapter 536 and, if applicable, section 536.028.

19 This section and chapter 536 are nonseverable and if any of the powers vested  
20 with the general assembly pursuant to chapter 536 to review, to delay the  
21 effective date, or to disapprove and annul a rule are subsequently held  
22 unconstitutional, then the grant of rulemaking authority and any rule proposed or  
23 adopted after August 28, 2007, shall be invalid and void.]  
24

2 [376.989. Neither the participation in the pool as members, the  
3 establishment of rates, forms or procedures, nor any other joint or collective  
4 action required or permitted by the provisions of sections 376.960 to 376.989  
5 shall be the basis of any legal action, criminal or civil liability or penalty against  
6 the pool, the pool administrator, the board or any of its members, or pool  
7 employees, contractors, or consultants, or any of its members.]

8 THIS SECTION EXPIRED 12-31-13:

2 [376.1192. 1. As used in this section, "health benefit plan" and "health  
3 carrier" shall have the same meaning as such terms are defined in section  
4 376.1350.

5 2. Beginning September 1, 2013, the oversight division of the joint  
6 committee on legislative research shall perform an actuarial analysis of the cost  
7 impact to health carriers, insureds with a health benefit plan, and other private  
8 and public payers if state mandates were enacted to provide health benefit plan  
9 coverage for the following:

10 (1) Orally administered anticancer medication that is used to kill or slow  
11 the growth of cancerous cells charged at the same co-payment, deductible, or  
12 coinsurance amount as intravenously administered or injected cancer medication  
13 that is provided, regardless of formulation or benefit category determination by  
14 the health carrier administering the health benefit plan;

15 (2) Diagnosis and treatment of eating disorders that include anorexia  
16 nervosa, bulimia, binge eating, eating disorders nonspecified, and any other  
17 severe eating disorders contained in the most recent version of the Diagnostic and  
18 Statistical Manual of Mental Disorders published by the American Psychiatric  
19 Association. The actuarial analysis shall assume the following are included in  
20 health benefit plan coverage:

21 (a) Residential treatment for eating disorders, if such treatment is  
22 medically necessary in accordance with the Practice Guidelines for the Treatment  
23 of Patients with Eating Disorders, as most recently published by the American  
24 Psychiatric Association; and

25 (b) Access to medical treatment that provides coverage for integrated  
26 care and treatment as recommended by medical and mental health care  
27 professionals, including but not limited to psychological services, nutrition  
28 counseling, physical therapy, dietician services, medical monitoring, and  
psychiatric monitoring.

29                   3. By December 31, 2013, the director of the oversight division of the  
30 joint committee on legislative research shall submit a report of the actuarial  
31 findings prescribed by this section to the speaker of the house of representatives,  
32 the president pro tempore of the senate, and the chairpersons of the house of  
33 representatives committee on health insurance and the senate small business,  
34 insurance and industry committee, or the committees having jurisdiction over  
35 health insurance issues if the preceding committees no longer exist.

36                   4. For the purposes of this section, the actuarial analysis of health benefit  
37 plan coverage shall assume that such coverage:

38                   (1) Shall not be subject to any greater deductible or co-payment than  
39 other health care services provided by the health benefit plan; and

40                   (2) Shall not apply to a supplemental insurance policy, including a life  
41 care contract, accident-only policy, specified disease policy, hospital policy  
42 providing a fixed daily benefit only, Medicare supplement policy, long-term care  
43 policy, short-term major medical policies of six months' or less duration, or any  
44 other supplemental policy.

45                   5. The cost for each actuarial analysis shall not exceed thirty thousand  
46 dollars and the oversight division of the joint committee on legislative research  
47 may utilize any actuary contracted to perform services for the Missouri  
48 consolidated health care plan to perform the analysis required under this section.

49                   6. The provisions of this section shall expire on December 31, 2013.]

✓