

FIRST REGULAR SESSION
REVISION

HOUSE BILL NO. 618

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YATES.

Read 1st time March 6, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2089L.011

AN ACT

To repeal sections 23.200, 72.424, 105.268, 144.041, 144.514, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 302.295, 319.023, 400.9-629, and 620.1310, RSMo, for the purpose of repealing expired and outdated sections.

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

Section A. Sections 23.200, 72.424, 105.268, 144.041, 144.514, 277.200, 277.201,
2 277.202, 277.206, 277.209, 277.212, 277.215, 302.295, 319.023, 400.9-629, and 620.1310,
3 RSMo, are repealed as follows:

2 [23.200. The staff of the committee on legislative research shall prepare a
3 transfer-revision bill to be submitted to the ninetieth general assembly to revise the
4 statutes so as to reflect the changes made by or pursuant to this act; except that, the
5 committee on legislative research shall use fully the provisions of section 3.060,
6 RSMo, where such provisions will suffice. At such time as all statutory revision
7 changes required pursuant to this act have gone into effect the revisor of statutes may
prepare legislation to repeal this section.]

EXPLANATION: This section is outdated.

2 [72.424. Notwithstanding any other provisions of sections 72.400 to 72.423,
3 any owner of a tract of land of thirty acres or less owned by a single owner and that
4 is located within two or more municipalities, one municipality being a city of the
5 fourth classification with a population between four thousand six hundred and five
6 thousand, and the other municipality being a constitutional charter city with a
7 population between sixteen thousand three hundred and seventeen thousand, and both
municipalities located within a county of the first classification having a charter form

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

8 of government and having a minimum population of nine hundred thousand, may
9 elect which municipality to belong to by agreement of that municipality. Such
10 owner's election shall occur within ninety days of August 28, 2000. Such agreement
11 shall consist of the enactment by the governing body of the receiving municipality
12 of an ordinance describing by metes and bounds the property, declaring the property
13 so described to be detached and annexed, and stating the reasons for and the purposes
14 to be accomplished by the detachment and annexation. A copy of said ordinance
15 shall be mailed to the county clerk and to the city clerk and assessor of the
16 contributing municipality before December fifteenth, with such transfer becoming
17 effective the next January first. Such choice of municipalities shall be permanent.
18 Thereafter, all courts of this state shall take notice of the limits of both municipalities
19 as changed by the ordinances. This section shall only apply to boundary changes
20 effected after January 1, 1990, and occurring by the incorporation of a municipality.
21 This section shall expire and be of no force and effect on March 1, 2001.]

EXPLANATION: This section expired March 1, 2001.

2 [105.268. 1. During school years 1999-2000 through 2001-02 any employee
3 of the state of Missouri who works in a metropolitan school district or an urban
4 school district containing the greater part of the population of a city which has more
5 than three hundred thousand inhabitants and who is a volunteer tutor in a formal
6 tutoring or mentoring pilot program in language arts at a public elementary school
7 in such district may be granted leave from the employee's duties, without loss of
8 time, pay, regular leave, impairment of efficiency rating or any other rights or
9 benefits to which such person would otherwise be entitled for periods during which
10 such person is engaged in such volunteer tutoring activities at a public elementary
11 school. Leave for such volunteer tutoring activities shall not be granted in excess of
12 one-half of the hours spent tutoring, for activities conducted at times outside of the
13 employee's normal work day, for more than forty hours in any one calendar year, or
14 more than two hours in any one day. The principal of the school shall give such an
15 employee a signed statement by such principal verifying the time such employee was
16 engaged in such tutoring activities.

17 2. To be eligible to participate in a volunteer tutoring program as provided
18 in subsection 1 of this section, the employee shall:

19 (1) Be a full-time state employee with a performance appraisal of highly
20 successful or outstanding;

21 (2) Have the approval of the employee's supervisor or supervisors;

22 (3) Not be absent during heavy workload periods or create scheduling
23 conflicts with other state employees or result in any overtime hours for the employee
24 or other state employees;

25 (4) Establish a set schedule, including traveling time to the school, which
26 shall not be for more than two hours per day or more than one day per week; and

(5) Submit the statement issued by the principal verifying the time the

27 employee was engaged in volunteer tutoring activities.

28 3. Every state agency that has state employees participating in a formal
29 tutoring or mentoring program as provided in subsection 1 of this section shall
30 submit a summary of the statements received pursuant to subdivision (5) of
31 subsection 2 of this section to the Missouri community service commission, created
32 in section 26.605, RSMo. Such summary shall include the number of employees
33 participating, the number of hours that all participants engaged in volunteer tutoring
34 and a list of the schools where the employees volunteered.

35 4. The Missouri community service commission shall submit an annual
36 report to the general assembly with the names of the state agencies submitting the
37 summaries required by subsection 3 of this section and a compilation of all the
38 information contained on such summaries.

39 5. The school board of a participating district shall evaluate the programs and
40 make recommendations to the general assembly by December 15, 2001, on the
41 continuance, expansion or termination of the programs and any recommended
42 changes to the programs.

43 6. The provisions of this section shall expire on June 30, 2002.]

EXPLANATION: This section expired June 30, 2002.

2 [144.041. In addition to the exemptions granted under the provisions of
3 section 144.030, there is hereby exempted from any sales and use taxes levied by the
4 state and any sales taxes levied by any political subdivision of this state as otherwise
5 authorized by law any charges for admissions, as defined in section 144.010, to any
6 of the games of the 1994 World Cup Soccer Tournament which are held in any
7 county of the first classification having a charter form of government which contains
8 all or any part of a city with a population of at least three hundred fifty thousand
inhabitants.]

EXPLANATION: This section is outdated.

2 [144.514. In addition to the exemptions granted under the provisions of
3 section 144.030, there is hereby exempted from any sales and use taxes levied by the
4 state and any sales taxes levied by any political subdivision of this state as otherwise
5 authorized by law any charges for admissions as defined in section 144.010, to any
6 of the events of the United States Olympic Festival to be held in 1994 in the state of
Missouri.]

EXPLANATION: This section is outdated.

2 [277.200. As used in sections 277.200 to 277.215, the following terms mean:
3 (1) "Department", the department of agriculture;
4 (2) "Livestock", live cattle, swine or sheep;

4 (3) "Packer", a person who is engaged in the business of slaughtering
5 livestock or receiving, purchasing or soliciting livestock for slaughtering, the meat
6 products of which are directly or indirectly to be offered for resale or for public
7 consumption. "Packer" includes an agent of the packer engaged in buying or
8 soliciting livestock for slaughter on behalf of a packer. "Packer" does not include a
9 cold storage plant, a frozen food locker plant exempt from federal inspection
10 requirements, a livestock market or livestock auction agency, any cattle buyer who
11 purchases twenty or fewer cattle per day or one hundred or fewer cattle per week, any
12 hog buyer who purchases fifty or fewer hogs per day or two hundred fifty or fewer
13 hogs per week, or any sheep buyer who purchases fifty or fewer sheep per day or two
14 hundred fifty or fewer sheep per week.]

EXPLANATION: This section expired December 31, 2002.

2 [277.201. Sections 277.200 to 277.215 shall be enforced in a manner which
3 is consistent with the Packers and Stockyards Act (7 U.S.C.A. § 181 et seq.) as it
relates to live cattle, swine or sheep.]

EXPLANATION: This section expired December 31, 2002.

2 [277.202. It shall be unlawful for any packer with respect to livestock, meats,
meat food products, or livestock products in unmanufactured form to:
3 (1) Engage in or use any unfair, unjustly discriminatory, or deceptive practice
4 or device; or
5 (2) Make or give any undue or unreasonable preference or advantage to any
6 particular person or locality in any respect whatsoever, or subject any particular
7 person or locality to any undue or unreasonable prejudice or disadvantage in any
8 respect whatsoever; or
9 (3) Sell or otherwise transfer to or for any other packer or buy or otherwise
10 receive from or for any other packer, any article for the purpose or with the effect of
11 apportioning the supply between any such persons, if such apportionment has the
12 tendency or effect of restraining commerce or of creating a monopoly; or
13 (4) Sell or otherwise transfer to or for any other person, or buy or otherwise
14 receive from or for any other person, any article for the purpose or with the effect of
15 manipulating or controlling prices, or of creating a monopoly in the acquisition of,
16 buying, selling, or dealing in, any article, or of restraining commerce; or
17 (5) Engage in any course of business or do any act for the purpose or with the
18 effect of manipulating or controlling prices, or of creating a monopoly in the
19 acquisition of, buying, selling, or dealing in, any article, or of restraining commerce;
20 or
21 (6) Conspire, combine, agree, or arrange, with any other person to apportion
22 territory for carrying on business, or to apportion purchases or sales of any article, or
23 to manipulate or control prices; or

24 (7) Conspire, combine, agree or arrange with any other person to do, or aid
 25 or abet the doing of, any act made unlawful by subdivision (a), (b), (c), (d) or (e) of
 26 7 U.S.C.A. § 192.]

EXPLANATION: This section expired December 31, 2002.

2 [277.206. A packer shall provide to the agricultural market service livestock
 3 market news branch of the United States Department of Agriculture and to the
 4 Missouri department of agriculture all prices paid for livestock, both contract and
 direct purchase, by 9:00 a.m. the following business day.]

EXPLANATION: This section expired December 31, 2002.

2 [277.209. 1. Any agreement made by a packer in violation of sections
 3 277.200 to 277.215 is voidable.
 4 2. Any packer acting in violation of sections 277.200 to 277.215 is guilty of
 a class A misdemeanor.]

EXPLANATION: This section expired December 31, 2002.

2 [277.212. The attorney general shall enforce the provisions of sections
 3 277.200 to 277.215. The department of agriculture shall refer violations of the
 4 provisions of sections 277.200 to 277.215 to the attorney general. The attorney
 5 general may bring an action pursuant to the provisions of chapter 407, RSMo, for any
 remedy allowed for unlawful merchandising practices.]

EXPLANATION: This section expired December 31, 2002.

2 [277.215. 1. Each packer shall make available for publication and to the
 3 department of agriculture a daily report setting forth information regarding prices
 4 paid for livestock under each contract in force in Missouri in which the packer and
 5 a Missouri resident are parties for the purchase of livestock by the packer and which
 6 sets a date for delivery more than fourteen days after the making of the contract.
 7 2. The report shall be completed on forms prepared by the department for
 8 comparison with cash market prices for livestock and livestock carcasses according
 9 to procedures required by the department. The report shall not include information
 10 regarding the identity of a seller.
 11 3. Any packer who fails to report as required by this section is guilty of a
 12 class A misdemeanor.
 13 4. The department shall adopt rules to implement the provisions of sections
 14 277.200 to 277.215.
 15 5. No rule or portion of a rule promulgated pursuant to the authority of this
 section shall become effective unless it has been promulgated pursuant to the

16 provisions of chapter 536, RSMo.

17 6. In the event a federal law regarding livestock price reporting becomes
18 effective, the department of agriculture shall immediately adopt such rules as are
19 necessary to permit Missouri producers and packers to remain economically
20 competitive with producers and packers in other states.

21 7. Sections 277.200 to 277.215 shall expire December 31, 2002.]

EXPLANATION: This section expired December 31, 2002.

2 [302.295. 1. Beginning September 1, 1999, for the purpose of providing
3 additional support for the premise that .08 BAC laws help reduce alcohol-related
4 fatalities, an advisory working group is hereby established. The working group is to
5 review the fatal crash experience of all states that have lowered their BAC limits to
6 0.08 and to determine the impact of this legislation on alcohol-related fatalities. The
7 advisory working group shall consist of the following:

- 8 (1) The director of the department of revenue or the director's designee;
- 9 (2) The director of the department of public safety or the director's designee;
- 10 (3) The director of the department of health and senior services or the
11 director's designee;
- 12 (4) The superintendent of the state highway patrol or the superintendent's
13 designee;
- 14 (5) The director of the Missouri safety council or the director's designee;
- 15 (6) The director of the Mothers Against Drunk Drivers or the director's
16 designee;
- 17 (7) Two members of the Missouri senate appointed by the president pro tem
18 of the senate with no more than one from any political party; and
- 19 (8) Two members of the Missouri house of representatives appointed by the
20 speaker of the house with no more than one member from any political party.

21 2. The advisory working group shall submit a report of its findings to each
member of the general assembly no later than March 1, 2000.]

EXPLANATION: This section is outdated.

2 [319.023. 1. Except for owners and operators who are participants in a
3 notification center which maintains and makes available a current list of participants,
4 pursuant to section 319.022, all owners and operators having underground facilities
5 within a county shall file with the recorder of deeds in any such county a notice that
6 such owner or operator has underground facilities located within the county and the
7 address and the telephone number of the person or persons from whom information
8 about the location of such underground facilities may be obtained.

9 2. The recorder of deeds shall maintain a current list of all owners and
10 operators who have filed statements pursuant to this chapter and shall make copies
of such list available to any person upon request.

11 3. The provisions of this section shall expire on December 31, 2002.]

EXPLANATION: This section expired December 31, 2002.

2 [400.9-629. (1) If it is established that the secured party is not proceeding
3 in accordance with the provisions of this part disposition may be ordered or
4 restrained on appropriate terms and conditions. If the disposition has occurred the
5 debtor or any person entitled to notification or whose security interest has been made
6 known to the secured party prior to the disposition has a right to recover from the
7 secured party any loss caused by a failure to comply with the provisions of this part.
8 If the collateral is consumer goods, the debtor has a right to recover in any event an
9 amount not less than the credit service charge plus ten percent of the principal
10 amount of the debt or the time price differential plus ten percent of the cash price.

11 (2) The fact that a better price could have been obtained by a sale at a
12 different time or in a different method from that selected by the secured party is not
13 of itself sufficient to establish that the sale was not made in a commercially
14 reasonable manner. If the secured party either sells the collateral in the usual manner
15 in any recognized market therefor or if he sells at the price current in such market at
16 the time of his sale or if he has otherwise sold in conformity with reasonable
17 commercial practices among dealers in the type of property sold he has sold in a
18 commercially reasonable manner. The principles stated in the two preceding
19 sentences with respect to sales also apply as may be appropriate to other types of
20 disposition. A disposition which has been approved in any judicial proceeding or by
21 any bona fide creditors' committee or representative of creditors shall conclusively
22 be deemed to be commercially reasonable, but this sentence does not indicate that
23 any such approval must be obtained in any case nor does it indicate that any
24 disposition not so approved is not commercially reasonable.

(3) The provisions of this section shall terminate on December 31, 2002.]

EXPLANATION: This section expired December 31, 2002.

2 [620.1310. 1. There is hereby created within the department of economic
3 development the "Task Force on Trade and Investment". The primary duty of the
4 task force is to establish international trade and investment opportunities for Missouri
5 businesses, with a special emphasis on establishing trade and investment
6 opportunities with African countries having a democratic form of government. As
7 part of its duties, the task force shall develop a comprehensive plan of action with
8 strategies for increasing the availability of import and export opportunities for
9 Missouri businesses.

10 2. The task force created in this section shall be comprised of fifteen
11 members, appointed in the following manner:

12 (1) Four members of the Missouri house of representatives, two from each
political party, shall be appointed by the speaker of the house of representatives;

13 (2) Four members of the Missouri senate, two from each political party, shall
14 be appointed by the president pro tem of the senate; and

15 (3) Seven members shall be appointed by the governor, selected from a panel
16 of names submitted by the director of the department of economic development,
17 which panel shall include the names of individuals representing business, labor,
18 education, agriculture, economics, law and government.

19 3. The task force shall meet at least quarterly, and shall submit its
20 recommendations and plan of action for establishing opportunities for trade and
21 investment to the governor, to the general assembly and to the director of the
22 department of economic development each year by July first, beginning in 1998.

23 4. Members of the task force shall receive no additional compensation but
24 shall be eligible for reimbursement for expenses directly related to the performance
25 of task force duties.

26 5. The provisions of this section shall expire December 31, 2001.]

EXPLANATION: This section expired December 31, 2001.