

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILL NOS. 1181, 1100,
1262 & 1263**
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Utilities May 8, 2008 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1181, 1100, 1262 & 1263 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

5267L.09C

AN ACT

To repeal sections 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 64.170, 143.121, 393.275, 407.300, 537.340, 660.115, and 660.135, RSMo, and to enact in lieu thereof thirty-six new sections relating to energy regulation, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 64.170, 143.121, 393.275, 407.300, 537.340, 660.115, and 660.135, RSMo, are repealed and thirty-six new sections enacted in lieu thereof, to be known as sections 8.295, 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 64.170, 143.121, 144.067, 144.526, 161.365, 251.650, 386.850, 393.108, 393.171, 393.275, 394.320, 407.300, 407.301, 407.302, 407.303, 537.340, 570.055, 570.056, 640.017, 640.153, 640.157, 640.216, 660.115, and 660.135, to read as follows:

8.295. Up to ten percent of the amount appropriated each year from the Facilities Maintenance Reserve Fund created in Section 27(b) of Article IV of the Missouri Constitution shall be expended on maintenance, repair, or renovation projects that are

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.

4 **otherwise allowable under the constitution but that are also considered energy projects**
5 **with a ten year payback or less.**

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

- 2 (1) "Builder", the prime contractor that hires and coordinates building subcontractors or
3 if there is no prime contractor, the contractor that completes more than fifty percent of the total
4 construction work performed on the building. Construction work includes, but is not limited to,
5 foundation, framing, wiring, plumbing and finishing work;
- 6 (2) "Department", the department of natural resources;
- 7 (3) "Designer", the architect, engineer, landscape architect, builder, interior designer or
8 other person who performs the actual design work or is under the direct supervision and
9 responsibility of the person who performs the actual design work;
- 10 (4) "District heating and cooling systems", heat pump systems which use waste heat from
11 factories, sewage treatment plants, municipal solid waste incineration, lighting and other heat
12 sources in office buildings or which use ambient thermal energy from sources including
13 temperature differences in rivers to provide regional heating or cooling;
- 14 (5) "Division", the division of design and construction;
- 15 (6) "Energy efficiency", the increased productivity or effectiveness of energy resources
16 use, the reduction of energy consumption, or the use of renewable energy sources;
- 17 (7) "Gray water", all domestic wastewater from a state building except wastewater from
18 urinals, toilets, laboratory sinks, and garbage disposals;
- 19 (8) "Life cycle costs", the costs associated with the initial construction or renovation and
20 the proposed energy consumption, operation and maintenance costs over the useful life of a state
21 building or over the first twenty-five years after the construction or renovation is completed;
- 22 (9) "Public building", a building owned or operated by a governmental subdivision of
23 the state, including, but not limited to, a city, county or school district;
- 24 (10) "Renewable energy source", a source of thermal, mechanical or electrical energy
25 produced from solar, wind, low-head hydropower, biomass, hydrogen or geothermal sources, but
26 not from the incineration of hazardous waste, municipal solid waste or sludge from sewage
27 treatment facilities;
- 28 (11) "State agency", a department, commission, authority, office, college or university
29 of this state;
- 30 (12) "State building", a building owned by this state or an agency of this state;
- 31 (13) **"Substantial renovation" or "substantially renovated", modifications that will**
32 **affect at least fifty percent of the square footage of the building or modifications that will**
33 **cost at least fifty percent of the building's fair market value.**

8.810. 1. In addition to all other requirements imposed by law, the director of the division shall require, for construction of a state building or substantial renovation of an existing state building when major energy systems are involved, that a design professional submit an analysis which meets the design program's space and use requirements and reflects the lowest life cycle cost possible in light of existing commercially available technology. The analysis, using existing commercially available technology, shall include, but shall not be limited to, designs which use renewable energy sources, earth-sheltered construction, systems to recover and use waste heat, thermal storage heat pump systems, ambient thermal energy, district heating and cooling systems, devices to reduce water consumption, and plumbing systems to recover gray water for appropriate reuse.

2. The director of the division shall not let a contract after January 1, 1996, for construction of a state building or substantial renovation of an existing state building when major energy systems are involved before completing an evaluation of the design documents and construction documents based upon life cycle cost factors and the minimum energy efficiency standard established in subsection 1 of section 8.812.

3. Any design documents submitted to the division under this section shall, in addition to any other requirements under law, include a projection of the energy savings that will result from the design features that are employed in order to comply with the minimum energy efficiency standard established in subsection 1 of section 8.812.

8.812. 1. By January 1, [1995] **2009**, the department[, in consultation with the division and the voluntary working group created in subsection 1 of section 8.815,] shall establish, by rule, a minimum energy efficiency standard for construction of a state building **over five thousand square feet**, substantial renovation of a state building **over five thousand square feet** when major energy systems are involved or a building **over five thousand square feet** which the state or state agency considers for acquisition or lease. Such standard shall be at least as stringent as the [American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 90] **International Energy Conservation Code 2006, or the latest [revision] version thereof.**

2. All design which is initiated on or after July 1, [1995] **2009**, for construction of a state building **over five thousand square feet** or substantial renovation of a state building **over five thousand square feet** when major energy systems are involved or any building **over five thousand square feet** which the state or state agency considers for acquisition or lease after July 1, [1995] **2009**, shall meet applicable provisions of the minimum energy efficiency standard.

3. The commissioner of the office of administration may exempt any building from the requirements of subsection 2 of this section:

17 (1) When compliance with the minimum energy efficiency standard may
18 compromise the safety of the building or any of its occupants; or

19 (2) When the cost of compliance is expected to exceed the projected energy cost
20 savings gained.

8.815. The department and the division shall establish a voluntary working group of
2 persons and interest groups with expertise in energy efficiency, including, but not limited to, such
3 persons as electrical engineers, mechanical engineers, builders, **contractors**, architects,
4 landscape architects, **interior designers**, nonprofit organizations, **persons affiliated with gas**
5 **or electric utilities**, and persons with expertise in solar and renewable energy forms. The
6 voluntary working group shall advise the department on the development of the energy efficiency
7 standard and shall assist the department in implementation of the standard by recommending,
8 reviewing and coordinating education programs for designers, builders, businesses and other
9 interested persons to facilitate incorporation of the standard into existing practices.

8.837. 1. By [July 1, 1994] **January 1, 2009**, the department shall establish, by rule, a
2 minimum energy efficiency standard for new and substantially renovated state buildings **over**
3 **five thousand square feet** which shall be at least as stringent as the [American Society of
4 Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 90.01-1989, as
5 revised, and shall be at least as stringent as any statewide energy efficiency standard required
6 pursuant to the Energy Policy Act of 1992 (Public Law 102-486)] **International Energy**
7 **Conservation Code 2006, or the latest version thereof.**

8 2. All new or substantially renovated state buildings **over five thousand square feet** for
9 which design of such construction or renovation is initiated on or after July 1, [1994] **2009**, shall
10 meet applicable provisions of the minimum energy efficiency standard.

30.750. As used in sections 30.750 to 30.767, the following terms mean:

2 (1) "Eligible agribusiness", a person engaged in the processing or adding of value to
3 agricultural products produced in Missouri;

4 (2) "**Eligible alternative energy operation**", a business enterprise engaged in the
5 **production and sale of fuel or power from energy sources other than fossil fuels, including**
6 **but not limited to solar, hydroelectric, wind, and qualified biomass. Such business**
7 **enterprise shall conform to the characteristics of paragraphs (a), (b), and (d) of subdivision**
8 **(5) of this section;**

9 (3) "Eligible beginning farmer",

10 (a) For any beginning farmer who seeks to participate in the linked deposit program
11 alone, a farmer who:

12 a. Is a Missouri resident;

13 b. Wishes to borrow for a farm operation located in Missouri;

14 c. Is at least eighteen years old; and

15 d. In the preceding five years has not owned, either directly or indirectly, farm land
16 greater than fifty percent of the average size farm in the county where the proposed farm
17 operation is located or farm land with an appraised value greater than four hundred fifty thousand
18 dollars.

19 A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a
20 linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment,
21 livestock and working capital;

22 (b) For any beginning farmer who is participating in both the linked deposit program and
23 the beginning farmer loan program administered by the Missouri agriculture and small business
24 development authority, a farmer who:

25 a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal
26 tax-exempt financing, including the limitations on the use of loan proceeds; and

27 b. Meets all other requirements established by the Missouri agriculture and small
28 business development authority;

29 [(3)] (4) "Eligible facility borrower", a borrower qualified under section 30.860 to apply
30 for a reduced-rate loan under sections 30.750 to 30.767;

31 [(4)] (5) "Eligible farming operation", any person engaged in farming in an authorized
32 farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo,
33 that has all of the following characteristics:

34 (a) Is headquartered in this state;

35 (b) Maintains offices, operating facilities, or farming operations and transacts business
36 in this state;

37 (c) Employs less than ten employees;

38 (d) Is organized for profit;

39 (e) Possesses not more than sixty percent equity, where "percent equity" is defined as
40 total assets minus total liabilities divided by total assets, except that an otherwise eligible
41 farming operation applying for a loan for the purpose of installing or improving a waste
42 management practice in order to comply with environmental protection regulations shall be
43 exempt from this eligibility requirement;

44 [(5)] (6) "Eligible higher education institution", any approved public or private
45 institution as defined in section 173.205, RSMo;

46 [(6)] (7) "Eligible job enhancement business", a new, existing, or expanding firm
47 operating in Missouri, or as a condition of accepting the linked deposit, will locate a facility or
48 office in Missouri associated with said linked deposit, which employs ten or more employees in

49 Missouri on a yearly average and which, as nearly as possible, is able to establish or retain at
50 least one job in Missouri for each fifty thousand dollars received from a linked deposit loan;

51 [(7)] (8) "Eligible lending institution", a financial institution that is eligible to make
52 commercial or agricultural or student loans or discount or purchase such loans, is a public
53 depository of state funds or obtains its funds through the issuance of obligations, either directly
54 or through a related entity, eligible for the placement of state funds under the provisions of
55 section 15, article IV, Constitution of Missouri, and agrees to participate in the linked deposit
56 program;

57 [(8)] (9) "Eligible livestock operation", any person engaged in production of livestock
58 or poultry in an authorized farm corporation, family farm, or family farm corporation as defined
59 in section 350.010, RSMo;

60 [(9)] (10) "Eligible locally owned business", any person seeking to establish a new firm,
61 partnership, cooperative company, or corporation that shall retain at least fifty-one percent
62 ownership by residents in a county in which the business is headquartered, that consists of the
63 following characteristics:

64 (a) The county has a median population of twelve thousand five hundred or less; and

65 (b) The median income of residents in the county are equal to or less than the state
66 median income; or

67 (c) The unemployment rate of the county is equal to or greater than the state's
68 unemployment rate;

69 [(10)] (11) "Eligible marketing enterprise", a business enterprise operating in this state
70 which is in the process of marketing its goods, products or services within or outside of this state
71 or overseas, which marketing is designed to increase manufacturing, transportation, mining,
72 communications, or other enterprises in this state, which has proposed its marketing plan and
73 strategy to the department of economic development and which plan and strategy has been
74 approved by the department for purposes of eligibility pursuant to sections 30.750 to 30.767.
75 Such business enterprise shall conform to the characteristics of paragraphs (a), (b) and (d) of
76 subdivision [(4)] (5) of this section and also employ less than twenty-five employees;

77 [(11)] (12) "Eligible multitenant development enterprise", a new enterprise that develops
78 multitenant space for targeted industries as determined by the department of economic
79 development and approved by the department for the purposes of eligibility pursuant to sections
80 30.750 to 30.767;

81 [(12)] (13) "Eligible residential property developer", an individual who purchases and
82 develops a residential structure of either two or four units, if such residential property developer
83 uses and agrees to continue to use, for at least the five years immediately following the date of
84 issuance of the linked deposit loan, one of the units as his principal residence or if such person's

85 principal residence is located within one-half mile from the developed structure and such person
86 agrees to maintain the principal residence within one-half mile of the developed structure for at
87 least the five years immediately following the date of issuance of the linked deposit loan;

88 [(13)] (14) "Eligible residential property owner", a person, firm or corporation who
89 purchases, develops or rehabilitates a multifamily residential structure;

90 [(14)] (15) "Eligible small business", a person engaged in an activity with the purpose
91 of obtaining, directly or indirectly, a gain, benefit or advantage and which conforms to the
92 characteristics of paragraphs (a), (b) and (d) of subdivision [(4)] (5) of this section, and also
93 employs less than twenty-five employees;

94 [(15)] (16) "Eligible student borrower", any person attending, or the parent of a
95 dependent undergraduate attending, an eligible higher education institution in Missouri who may
96 or may not qualify for need-based student financial aid calculated by the federal analysis called
97 Congressional Methodology Formula pursuant to 20 U.S.C. 1078, as amended (the Higher
98 Education Amendments of 1986);

99 [(16)] (17) "Eligible water supply system", a water system which serves fewer than fifty
100 thousand persons and which is owned and operated by:

101 (a) A public water supply district established pursuant to chapter 247, RSMo; or

102 (b) A municipality or other political subdivision; or

103 (c) A water corporation;

104 and which is certified by the department of natural resources in accordance with its rules and
105 regulations to have suffered a significant decrease in its capacity to meet its service needs as a
106 result of drought;

107 [(17)] (18) "Farming", using or cultivating land for the production of agricultural crops,
108 livestock or livestock products, forest products, poultry or poultry products, milk or dairy
109 products, or fruit or other horticultural products;

110 [(18)] (19) "Linked deposit", a certificate of deposit, or in the case of production credit
111 associations, the subscription or purchase outright of obligations described in section 15, article
112 IV, Constitution of Missouri, placed by the state treasurer with an eligible lending institution at
113 rates otherwise provided by law in section 30.758, provided the institution agrees to lend the
114 value of such deposit, according to the deposit agreement provided in sections 30.750 to 30.767,
115 to eligible small businesses, **eligible alternative energy operations**, eligible locally owned
116 businesses, farming operations, eligible job enhancement businesses, eligible marketing
117 enterprises, eligible residential property developers, eligible residential property owners, eligible
118 agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student
119 borrowers, eligible facility borrowers, or eligible water supply systems at below the present
120 borrowing rate applicable to each small business, farming operation, eligible job enhancement

121 business, eligible marketing enterprise, eligible residential property developer, eligible residential
122 property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation,
123 eligible student borrower, or supply system at the time of the deposit of state funds in the
124 institution;

125 [(19)] (20) "Market rate", the interest rate tied to federal government securities and more
126 specifically described in subsection 4 of section 30.260;

127 (21) "Professional forester", any individual who holds a bachelor of science degree
128 in forestry from a regionally accredited college or university with a minimum of two years
129 of professional forest management experience;

130 (22) "Qualified biomass", any agriculture-derived organic material or any wood-
131 derived organic material harvested in accordance with a site specific forest management
132 plan focused on long-term forest sustainability developed by a professional forester and
133 qualified, in consultation with the conservation commission, by the agriculture and small
134 business development authority;

135 [(20)] (23) "Water corporation", as such term is defined in section 386.020, RSMo;

136 [(21)] (24) "Water system", as such term is defined in section 386.020, RSMo.

30.753. 1. The state treasurer may invest in linked deposits; however, the total amount
2 so deposited at any one time shall not exceed, in the aggregate, seven hundred twenty million
3 dollars. No more than three hundred thirty million dollars of the aggregate deposit shall be used
4 for linked deposits to eligible farming operations, eligible locally owned businesses, eligible
5 agribusinesses, eligible beginning farmers, eligible livestock operations, and eligible facility
6 borrowers, no more than one hundred ten million of the aggregate deposit shall be used for
7 linked deposits to small businesses, no more than twenty million dollars shall be used for linked
8 deposits to eligible multitenant development enterprises, and no more than twenty million dollars
9 of the aggregate deposit shall be used for linked deposits to eligible residential property
10 developers and eligible residential property owners, no more than two hundred twenty million
11 dollars of the aggregate deposit shall be used for linked deposits to eligible job enhancement
12 businesses and no more than twenty million dollars of the aggregate deposit shall be used for
13 linked deposit loans to eligible water systems. Linked deposit loans may be made to eligible
14 student borrowers **and eligible alternative energy operations** from the aggregate deposit. If
15 demand for a particular type of linked deposit exceeds the initial allocation, and funds initially
16 allocated to another type are available and not in demand, the state treasurer may commingle
17 allocations among the types of linked deposits.

18 2. The minimum deposit to be made by the state treasurer to an eligible lending
19 institution for eligible job enhancement business loans shall be ninety thousand dollars. Linked
20 deposit loans for eligible job enhancement businesses may be made for the purposes of assisting

21 with relocation expenses, working capital, interim construction, inventory, site development,
 22 machinery and equipment, or other expenses necessary to create or retain jobs in the recipient
 23 firm.

30.756. 1. An eligible lending institution that desires to receive a linked deposit shall
 2 accept and review applications for linked deposit loans from eligible multitenant enterprises,
 3 eligible farming operations, **eligible alternative energy operations**, eligible locally owned
 4 businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing
 5 enterprises, eligible agribusinesses, eligible beginning farmers, eligible livestock operations,
 6 eligible residential property developers, eligible residential property owners, eligible student
 7 borrowers, eligible facility borrowers, and eligible water supply systems. An eligible residential
 8 property owner shall certify on his or her loan application that the reduced rate loan will be used
 9 exclusively to purchase, develop or rehabilitate a multifamily residential property. The lending
 10 institution shall apply all usual lending standards to determine the creditworthiness of each
 11 eligible multitenant enterprise, eligible farming operation, **eligible alternative energy**
 12 **operation**, eligible locally owned business, eligible small business, eligible job enhancement
 13 business, eligible marketing enterprise, eligible residential property developer, eligible residential
 14 property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation,
 15 eligible student borrower, eligible facility borrower, or eligible water supply system. No linked
 16 deposit loan made to any eligible farming operation, **eligible alternative energy operation**,
 17 eligible locally owned business, eligible livestock operation, eligible agribusiness or eligible
 18 small business shall exceed a dollar limit determined by the state treasurer in the state treasurer's
 19 best judgment, except as otherwise limited. Any link deposit loan made to an eligible facility
 20 borrower shall be in accordance with the loan amount and loan term requirements in section
 21 30.860.

2. An eligible farming operation, small business or job enhancement business shall
 23 certify on its loan application that the reduced rate loan will be used exclusively for necessary
 24 production expenses or the expenses listed in subsection 2 of section 30.753 or the refinancing
 25 of an existing loan for production expenses or the expenses listed in subsection 2 of section
 26 30.753 of an eligible farming operation, small business or job enhancement business. Whoever
 27 knowingly makes a false statement concerning such application is guilty of a class A
 28 misdemeanor. An eligible water supply system shall certify on its loan application that the
 29 reduced rate loan shall be used exclusively to pay the costs of upgrading or repairing an existing
 30 water system, constructing a new water system, or making other capital improvements to a water
 31 system which are necessary to improve the service capacity of the system.

3. In considering which eligible farming operations should receive reduced-rate loans,
 33 the eligible lending institution shall give priority to those farming operations which have suffered

34 reduced yields due to drought or other natural disasters and for which the receipt of a
35 reduced-rate loan will make a significant contribution to the continued operation of the recipient
36 farming operation.

37 4. The eligible financial institution shall forward to the state treasurer a linked deposit
38 loan package, in the form and manner as prescribed by the state treasurer. The package shall
39 include such information as required by the state treasurer, including the amount of each loan
40 requested. The institution shall certify that each applicant is an eligible farming operation,
41 **eligible alternative energy operation**, eligible locally owned business, eligible small business,
42 eligible job enhancement business, eligible marketing enterprise, eligible residential property
43 developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer,
44 eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water
45 supply system, and shall, for each eligible farming operation, small business, eligible job
46 enhancement business, eligible marketing enterprise, eligible residential property developer,
47 eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible
48 livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply
49 system, certify the present borrowing rate applicable.

50 5. The eligible lending institution shall be responsible for determining if a student
51 borrower is an eligible student borrower. A student borrower shall be eligible for an initial or
52 renewal reduced-rate loan only if, at the time of the application for the loan, the student is a
53 citizen or permanent resident of the United States, a resident of the state of Missouri as defined
54 by the coordinating board for higher education, is enrolled or has been accepted for enrollment
55 in an eligible higher education institution, and establishes that the student has financial need.
56 In considering which eligible student borrowers may receive reduced-rate loans, the eligible
57 lending institution may give priority to those eligible student borrowers whose income, or whose
58 family income, if the eligible student borrower is a dependent, is such that the eligible student
59 borrower does not qualify for need-based student financial aid pursuant to 20 U.S.C. 1078, as
60 amended (the Higher Education Amendments of 1986). The eligible lending institution shall
61 require the eligible student borrower to document that the student has applied for and has
62 obtained all need-based student financial aid for which the student is eligible prior to application
63 for a reduced-rate loan pursuant to this section. In no case shall the combination of all financial
64 aid awarded to any student in any particular enrollment period exceed the total cost of attendance
65 at the institution in which the student is enrolled. No eligible lending institution shall charge any
66 additional fees, including but not limited to an origination, service or insurance fee on any loan
67 agreement under the provisions of sections 30.750 to 30.765.

68 6. The eligible lending institution making an initial loan to an eligible student borrower
69 may make a renewal loan or loans to the student. The total of such reduced-rate loans from

70 eligible lending institutions made pursuant to this section to any individual student shall not
 71 exceed the cumulative totals established by 20 U.S.C. 1078, as amended. An eligible student
 72 borrower shall certify on his or her loan application that the reduced rate loan shall be used
 73 exclusively to pay the costs of tuition, incidental fees, books and academic supplies, room and
 74 board and other fees directly related to enrollment in an eligible higher education institution. The
 75 eligible lending institution shall make the loan payable to the eligible student borrower and the
 76 eligible higher education institution as co-payees. The method of repayment of the loan shall be
 77 the same as for repayment of loans made pursuant to sections 173.095 to 173.186, RSMo.

78 7. Beginning August 28, 2005, in considering which eligible multitenant enterprise,
 79 eligible farming operation, **eligible alternative energy operation**, eligible locally owned
 80 business, eligible small business, eligible job enhancement business, eligible marketing
 81 enterprise, eligible residential property developer, eligible residential property owner, eligible
 82 agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower,
 83 eligible facility borrower, or eligible water supply system should receive reduced-rate loans, the
 84 eligible lending institution shall give priority to an eligible multitenant enterprise, eligible
 85 farming operation, **eligible alternative energy operation**, eligible locally owned business,
 86 eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible
 87 residential property developer, eligible residential property owner, eligible agribusiness, eligible
 88 beginning farmer, eligible livestock operation, eligible student borrower, eligible facility
 89 borrower, or eligible water supply system that has not previously received a reduced-rate loan
 90 through the linked deposit program. However, nothing shall prohibit an eligible lending
 91 institution from making a reduced-rate loan to any entity that previously has received such a loan,
 92 if such entity otherwise qualifies for such a reduced-rate loan.

30.758. 1. The state treasurer may accept or reject a linked deposit loan package or any
 2 portion thereof.

3 2. The state treasurer shall make a good faith effort to ensure that the linked deposits are
 4 placed with eligible lending institutions to make linked deposit loans to minority- or
 5 female-owned eligible multitenant enterprises, eligible farming operations, **eligible alternative**
 6 **energy operations**, eligible locally owned businesses, eligible small businesses, eligible job
 7 enhancement businesses, eligible marketing enterprises, eligible residential property developers,
 8 eligible residential property owners, eligible agribusinesses, eligible beginning farmers, eligible
 9 livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water
 10 supply systems. Results of such effort shall be included in the linked deposit review committee's
 11 annual report to the governor.

12 3. Upon acceptance of the linked deposit loan package or any portion thereof, the state
 13 treasurer may place linked deposits with the eligible lending institution as follows: when market

14 rates are five percent or above, the state treasurer shall reduce the market rate by up to three
15 percentage points to obtain the linked deposit rate; when market rates are less than five percent,
16 the state treasurer shall reduce the market rate by up to sixty percent to obtain the linked deposit
17 rate, provided that the linked deposit rate is not below one percent. All linked deposit rates are
18 determined and calculated by the state treasurer. When necessary, the treasurer may place linked
19 deposits prior to acceptance of a linked deposit loan package.

20 4. The eligible lending institution shall enter into a deposit agreement with the state
21 treasurer, which shall include requirements necessary to carry out the purposes of sections 30.750
22 to 30.767. The deposit agreement shall specify the length of time for which the lending
23 institution will lend funds upon receiving a linked deposit, and the original deposit plus renewals
24 shall not exceed five years, except as otherwise provided in this chapter. The agreement shall
25 also include provisions for the linked deposit of a linked deposit for an eligible facility borrower,
26 eligible multitenant enterprise, eligible farming operation, **eligible alternative energy**
27 **operation**, eligible locally owned business, small business, eligible marketing enterprise, eligible
28 residential property developer, eligible residential property owner, eligible agribusiness, eligible
29 beginning farmer, eligible livestock operation, eligible student borrower or job enhancement
30 business. Interest shall be paid at the times determined by the state treasurer.

31 5. The period of time for which such linked deposit is placed with an eligible lending
32 institution shall be neither longer nor shorter than the period of time for which the linked deposit
33 is used to provide loans at reduced interest rates. The agreement shall further provide that the
34 state shall receive market interest rates on any linked deposit or any portion thereof for any
35 period of time for which there is no corresponding linked deposit loan outstanding to an eligible
36 multitenant enterprise, eligible farming operation, **eligible alternative energy operation**,
37 eligible locally owned business, eligible small business, eligible job enhancement business,
38 eligible marketing enterprise, eligible residential property developer, eligible residential property
39 owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible
40 student borrower, eligible facility borrower, or eligible water supply system, except as otherwise
41 provided in this subsection. Within thirty days after the annual anniversary date of the linked
42 deposit, the eligible lending institution shall repay the state treasurer any linked deposit principal
43 received from borrowers in the previous yearly period and thereafter repay such principal within
44 thirty days of the yearly anniversary date calculated separately for each linked deposit loan, and
45 repaid at the linked deposit rate. Such principal payment shall be accelerated when more than
46 thirty percent of the linked deposit loan is repaid within a single monthly period. Any principal
47 received and not repaid, up to the point of the thirty percent or more payment, shall be repaid
48 within thirty days of that payment at the linked deposit rate. Finally, when the linked deposit is
49 tied to a revolving line of credit agreement between the banking institution and its borrower, the

50 full amount of the line of credit shall be excluded from the repayment provisions of this
51 subsection.

30.760. 1. Upon the placement of a linked deposit with an eligible lending institution,
2 such institution is required to lend such funds to each approved eligible multitenant enterprise,
3 eligible farm operation, **eligible alternative energy operation**, eligible locally owned business,
4 eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible
5 residential property developer, eligible residential property owner, eligible agribusiness, eligible
6 beginning farmer, eligible livestock operation, eligible student borrower, eligible facility
7 borrower, or eligible water supply system listed in the linked deposit loan package required by
8 section 30.756 and in accordance with the deposit agreement required by section 30.758. The
9 loan shall be at a fixed rate of interest reduced by the amount established under subsection 3 of
10 section 30.758 to each eligible multitenant enterprise, eligible farming operation, **eligible**
11 **alternative energy operation**, eligible locally owned business, eligible small business, eligible
12 job enhancement business, eligible marketing enterprise, eligible residential property developer,
13 eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible
14 livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply
15 system as determined pursuant to rules and regulations promulgated by the state treasurer under
16 the provisions of chapter 536, RSMo, including emergency rules issued pursuant to section
17 536.025, RSMo. In addition, the loan agreement shall specify that the eligible multitenant
18 enterprise, eligible farming operation, **eligible alternative energy operation**, eligible locally
19 owned business, eligible small business, eligible job enhancement business, eligible marketing
20 enterprise, eligible residential property developer, eligible residential property owner, eligible
21 agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower,
22 eligible facility borrower, or eligible water supply system shall use the proceeds as required by
23 sections 30.750 to 30.765, and that in the event the loan recipient does not use the proceeds in
24 the manner prescribed by sections 30.750 to 30.765, the remaining proceeds shall be immediately
25 returned to the lending institution and that any proceeds used by the loan recipient shall be repaid
26 to the lending institution as soon as practicable. All records and documents pertaining to the
27 programs established by sections 30.750 to 30.765 shall be segregated by the lending institution
28 for ease of identification and examination. A certification of compliance with this section in the
29 form and manner as prescribed by the state treasurer shall be required of the eligible lending
30 institution. Any lender or lending officer of an eligible lending institution who knowingly
31 violates the provisions of sections 30.750 to 30.765 is guilty of a class A misdemeanor.

32 2. The state treasurer shall take any and all steps necessary to implement the linked
33 deposit program and monitor compliance of eligible multitenant enterprises, eligible lending
34 institutions, eligible farming operations, **eligible alternative energy operations**, eligible locally

35 owned businesses, eligible small businesses, eligible job enhancement businesses, eligible
36 marketing enterprises, eligible residential property developers, eligible residential property
37 owners, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible
38 facility borrowers, or eligible water supply systems.

30.765. The state and the state treasurer are not liable to any eligible lending institution
2 in any manner for payment of the principal or interest on the loan to an eligible multitenant
3 enterprise, eligible farm operation, **eligible alternative energy operation**, eligible locally owned
4 business, eligible small business, eligible job enhancement business, eligible marketing
5 enterprise, eligible residential property developer, eligible residential property owner, eligible
6 agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower,
7 eligible facility borrower, or eligible water supply system. Any delay in payments or default on
8 the part of an eligible multitenant enterprise, eligible farming operation, **eligible alternative**
9 **energy operation**, eligible locally owned business, eligible small business, eligible job
10 enhancement business, eligible marketing enterprise, eligible residential property developer,
11 eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible
12 livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply
13 system does not in any manner affect the deposit agreement between the eligible lending
14 institution and the state treasurer.

64.170. 1. For the purpose of promoting the public safety, health and general welfare,
2 to protect life and property and to prevent the construction of fire hazardous buildings, the county
3 commission in all counties of the first and second classification, as provided by law, is for this
4 purpose empowered, subject to the provisions of subsections **2 and 3** [and 4] of this section, to
5 adopt by order or ordinance regulations to control the construction, reconstruction, alteration or
6 repair of any building or structure and any electrical wiring or electrical installation, plumbing
7 or drain laying therein, and provide for the issuance of building permits and adopt regulations
8 licensing persons, firms or corporations other than federal, state or local governments, public
9 utilities and their contractors engaged in the business of electrical wiring or installations and
10 provide for the inspection thereof and establish a schedule of permit, license and inspection fees
11 and appoint a building commission to prepare the regulations, as herein provided.

12 2. [For the purpose of promoting the public safety, health and general welfare, to protect
13 life and property, the county commission in a county of the first classification having a
14 population of more than one hundred sixty thousand but less than two hundred thousand, as
15 provided by law, is for this purpose empowered to adopt by order or ordinance regulations to
16 control the construction, reconstruction, alteration or repair of any building or structure, and
17 provide for the issuance of building permits and adopt regulations licensing contractors, firms
18 or corporations other than federal, state or local governments, public utilities and their

19 contractors engaged in the business of plumbing or drain laying and provide for the inspection
20 thereof and establish a schedule of permit, license and inspection fee and appoint a building
21 commission to prepare the regulations, as herein provided.

22 3.] Any county which has not adopted a building code prior to August 28, 2001, pursuant
23 to sections 64.170 to 64.200, shall not have the authority to adopt a building code pursuant to
24 such sections unless the authority is approved by voters, subject to the provisions of subsection
25 [4] 3 of this section.

26 The ballot of submission for authority pursuant to this subsection shall be in substantially the
27 following form:

28 "Shall (insert name of county) have authority to create, adopt and impose
29 a county building code?"

30 ☐ YES ☐ NO

31 [4.] 3. The proposal of the authority to adopt a building code shall be voted on only by
32 voters in the area affected by the proposed code, such that a code affecting a county shall not be
33 voted upon by citizens of any incorporated territory.

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the
2 taxpayer's federal adjusted gross income subject to the modifications in this section.

3 2. There shall be added to the taxpayer's federal adjusted gross income:

4 (a) The amount of any federal income tax refund received for a prior year which resulted
5 in a Missouri income tax benefit;

6 (b) Interest on certain governmental obligations excluded from federal gross income by
7 Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on
8 obligations of the state of Missouri or any of its political subdivisions or authorities and shall not
9 apply to the interest described in subdivision (a) of subsection 3 of this section. The amount
10 added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that
11 would have been deductible in computing the taxable income of the taxpayer except only for the
12 application of Section 265 of the Internal Revenue Code. The reduction shall only be made if
13 it is at least five hundred dollars;

14 (c) The amount of any deduction that is included in the computation of federal taxable
15 income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation
16 and Worker Assistance Act of 2002 to the extent the amount deducted relates to property
17 purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount
18 deducted exceeds the amount that would have been deductible pursuant to Section 168 of the
19 Internal Revenue Code of 1986 as in effect on January 1, 2002;

20 (d) The amount of any deduction that is included in the computation of federal taxable
21 income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as

22 amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the
23 Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the
24 tax year in which the net operating loss occurred or carries forward for a period of more than
25 twenty years and carries backward for more than two years. Any amount of net operating loss
26 taken against federal taxable income but disallowed for Missouri income tax purposes pursuant
27 to this paragraph after June 18, 2002, may be carried forward and taken against any income on
28 the Missouri income tax return for a period of not more than twenty years from the year of the
29 initial loss; and

30 (e) For nonresident individuals in all taxable years ending on or after December 31,
31 2006, the amount of any property taxes paid to another state or a political subdivision of another
32 state for which a deduction was allowed on such nonresident's federal return in the taxable year.

33 3. There shall be subtracted from the taxpayer's federal adjusted gross income the
34 following amounts to the extent included in federal adjusted gross income:

35 (a) Interest or dividends on obligations of the United States and its territories and
36 possessions or of any authority, commission or instrumentality of the United States to the extent
37 exempt from Missouri income taxes pursuant to the laws of the United States. The amount
38 subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred
39 to carry the described obligations or securities and by any expenses incurred in the production
40 of interest or dividend income described in this paragraph. The reduction in the previous
41 sentence shall only apply to the extent that such expenses including amortizable bond premiums
42 are deducted in determining the taxpayer's federal adjusted gross income or included in the
43 taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total
44 at least five hundred dollars;

45 (b) The portion of any gain, from the sale or other disposition of property having a higher
46 adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax
47 purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is
48 considered a long-term capital gain for federal income tax purposes, the modification shall be
49 limited to one-half of such portion of the gain;

50 (c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity
51 or other amount of income or gain which was properly included in income or gain and was taxed
52 pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or
53 to a decedent by reason of whose death the taxpayer acquired the right to receive the income or
54 gain, or to a trust or estate from which the taxpayer received the income or gain;

55 (d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the
56 extent that the same are included in federal adjusted gross income;

57 (e) The amount of any state income tax refund for a prior year which was included in the
58 federal adjusted gross income;

59 (f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise
60 be included in federal adjusted gross income;

61 (g) The amount that would have been deducted in the computation of federal taxable
62 income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002,
63 to the extent that amount relates to property purchased on or after July 1, 2002, but before July
64 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section
65 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act
66 of 2002;

67 (h) For all tax years beginning on or after January 1, 2005, the amount of any income
68 received for military service while the taxpayer serves in a combat zone which is included in
69 federal adjusted gross income and not otherwise excluded therefrom. As used in this section,
70 "combat zone" means any area which the President of the United States by Executive Order
71 designates as an area in which armed forces of the United States are or have engaged in combat.
72 Service is performed in a combat zone only if performed on or after the date designated by the
73 President by Executive Order as the date of the commencing of combat activities in such zone,
74 and on or before the date designated by the President by Executive Order as the date of the
75 termination of combatant activities in such zone; and

76 (i) For all tax years ending on or after July 1, 2002, with respect to qualified property that
77 is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition
78 modification was made under paragraph (c) of subsection 2 of this section, the amount by which
79 addition modification made under paragraph (c) of subsection 2 of this section on qualified
80 property has not been recovered through the additional subtractions provided in paragraph (g)
81 of this subsection.

82 4. There shall be added to or subtracted from the taxpayer's federal adjusted gross
83 income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

84 5. There shall be added to or subtracted from the taxpayer's federal adjusted gross
85 income the modifications provided in section 143.411.

86 6. In addition to the modifications to a taxpayer's federal adjusted gross income in this
87 section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's
88 federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal
89 Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of
90 property as a result of condemnation or the imminence thereof.

91 7. (1) As used in this subsection, "qualified health insurance premium" means the
92 amount paid during the tax year by such taxpayer for any insurance policy primarily providing
93 health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

94 (2) In addition to the subtractions in subsection 3 of this section, one hundred percent
95 of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's
96 federal adjusted gross income to the extent the amount paid for such premiums is included in
97 federal taxable income. The taxpayer shall provide the department of revenue with proof of the
98 amount of qualified health insurance premiums paid.

99 **8. (1) Beginning January 1, 2009, in addition to the subtractions provided in this**
100 **section, one hundred percent of the cost incurred by a taxpayer for a home energy audit**
101 **conducted by an entity certified by the department of natural resources under section**
102 **640.153, RSMo, or the implementation of any energy efficiency recommendations made in**
103 **such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the**
104 **extent the amount paid for any such activity is included in federal taxable income. The**
105 **taxpayer shall provide the department of revenue with a summary of any**
106 **recommendations made in a qualified home energy audit, the name and certification**
107 **number of the qualified home energy auditor who conducted the audit, and proof of the**
108 **amount paid for any activities under this subsection for which a deduction is claimed. The**
109 **taxpayer shall also provide a copy of the summary of any recommendations made in a**
110 **qualified home energy audit to the department of natural resources.**

111 (2) At no time shall a deduction claimed under this subsection by an individual
112 taxpayer or taxpayers filing combined returns exceed one thousand dollars per year or
113 cumulatively exceed two thousand dollars per taxpayer or taxpayers filing combined
114 returns.

115 (3) Any deduction claimed under this subsection shall be claimed for the tax year
116 in which the qualified home energy audit was conducted or in which the implementation
117 of the energy efficiency recommendations occurred. If implementation of the energy
118 efficiency recommendations occurred during more than one year, the deduction may be
119 claimed in more than one year, subject to the limitations provided under subdivision (2)
120 of this subsection.

121 (4) A deduction shall not be claimed for any otherwise eligible activity under this
122 subsection if such activity qualified for and received any rebate or other incentive through
123 a state-sponsored energy program or through an electric corporation, gas corporation,
124 electric cooperative, or municipally-owned utility.

125 **9. The provisions of subsection 8 of this section shall expire on December 31, 2013.**

144.067. There is hereby specifically exempted from state sales and use tax law all
2 retail sales of any product having a selling price of six hundred dollars or less per product
3 and the first one thousand five hundred dollars paid for any energy-efficiency products,
4 including any clothes washers and dryers, water heaters, trash compactors, dishwashers,
5 conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators, and freezers
6 approved by both the United States Environmental Protection Agency and the United
7 States Department of Energy as eligible to display the energy star label, that is purchased
8 for noncommercial homes or personal use, during a three-day period beginning at 12:01
9 a.m. on June 27, 2008, and ending at midnight on June 29, 2008. This section shall not
10 apply to any retailer when less than two percent of the retailer's merchandise offered for
11 sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of
12 the sales tax holiday.

144.526. 1. This section shall be known, and may be cited as the "Show Me Green
2 Sales Tax Holiday".

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

4 **(1)** "Appliance", clothes washers and dryers, water heaters, trash compactors,
5 dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators
6 and freezers; and

7 **(2)** "Energy star certified", any appliance approved by both the United States
8 Environmental Protection Agency and the United States Department of Energy as eligible
9 to display the energy star label, as amended from time to time.

10 **3.** In each year beginning on or after January 1, 2009, there is hereby specifically
11 exempted from state sales tax law all retail sales of any energy star certified new appliance,
12 up to one thousand five hundred dollars per appliance, during a seven-day period
13 beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

14 **4.** A political subdivision may allow the sales tax holiday under this section to apply
15 to its local sales taxes by enacting an ordinance to that effect. Any such political
16 subdivision shall notify the department of revenue not less than forty-five calendar days
17 prior to the beginning date of the sales tax holiday occurring in that year of any such
18 ordinance or order.

19 **5.** This section may not apply to any retailer when less than two percent of the
20 retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall
21 offer a sales tax refund in lieu of the sales tax holiday.

161.365. 1. Beginning with school year 2009-2010, school districts shall establish
2 a "green" cleaning policy and exclusively purchase and use environmentally-sensitive
3 cleaning products that meet the guidelines and specifications of subsection 3 of this section.

4 A district may, however, deplete its existing cleaning and maintenance supply stocks and
5 implement the new requirements in the procurement cycle for the following school year.

6 2. If a district determines that adopting a green cleaning policy is not economically
7 feasible as defined in this subsection, the district shall provide annual written notification
8 to the department of elementary and secondary education, on a form provided by the
9 department, that the development and implementation of a green cleaning policy is not
10 economically feasible, until such time that it is determined to be economically feasible. For
11 purposes of this section, adopting a green cleaning policy is not economically feasible if
12 such adoption would result in an increase in the cleaning costs of the district. In
13 calculating cleaning costs, districts shall not include costs associated with training and staff
14 development.

15 3. The department of elementary and secondary education shall, in consultation
16 with the department of health and senior services, and a panel of interested stakeholders,
17 including cleaning product industry representatives, nongovernmental organizations, and
18 others, establish and amend on an annual basis guidelines and specifications for green
19 cleaning programs, including environmentally-sensitive cleaning and maintenance
20 products, paper product purchases, and equipment purchases for cleaning programs. The
21 department shall provide multiple avenues by which cleaning products may be determined
22 to be environmentally-sensitive under the guidelines. Guidelines and specifications shall
23 be established after a review and evaluation of existing research and shall be completed no
24 later than one hundred eighty days after August 28, 2008. Guidelines and specifications
25 may include implementation practices, including inspection. The completed guidelines and
26 specifications shall be posted on the department of elementary and secondary education's
27 official web site.

28 4. Upon completion of the guidelines and specifications required under subsection
29 3 of this section, the department of elementary and secondary education shall provide each
30 district with a printed copy of the guidelines and specifications. Each district shall then
31 immediately disseminate the guidelines and specifications to every school in the district.
32 In the event the guidelines and specifications are updated by the department of elementary
33 and secondary education, the department shall provide the updates to each district for
34 immediate dissemination to each school. Additionally, the department of elementary and
35 secondary education shall post all updated materials on the department's official web site.

36 5. The department of elementary and secondary education may promulgate rules
37 and regulations necessary to carry out the provisions of this section. Any rule or portion
38 of a rule, as that term is defined in section 536.010, RSMo, that is created under the
39 authority delegated in this section shall become effective only if it complies with and is

40 subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
41 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
42 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
43 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
44 then the grant of rulemaking authority and any rule proposed or adopted after August 28,
45 2008, shall be invalid and void.

251.650. 1. Not less than twice each calendar year, representatives from the
2 department of labor and industrial relations, the department of elementary and secondary
3 education, the department of agriculture, the department of economic development, and
4 the department of natural resources shall meet to discuss ways in which their respective
5 agencies may collaborate in order to secure grants established in the Energy Independence
6 and Security Act of 2007, Public Law 110-140, or other such grants that would fund: green
7 jobs; the production of renewable fuels; increasing energy efficiency of products, buildings
8 and vehicles; and increasing research and development relating to the manufacturing of
9 renewable energy technologies. The department of natural resources is hereby designated
10 as the coordinating agency for the inter-agency collaboration under this section.

11 2. In fulfilling the goals under this section, any of the departments under subsection
12 1 of this section may confer with, or invite participation by, any other interested individual,
13 agency, or organization, which shall include but not be limited to non-profit organizations,
14 private sector entities, institutions of higher education, and local governments. Such
15 departments may enter into partnerships with, in accordance with federal grant
16 requirements and as otherwise allowable by law, any individual, agency, or organization
17 in securing a grant under this section.

18 3. No later than the first Wednesday after the first Monday of January each year,
19 the departments outlined in subsection 1 of this section shall report jointly to the general
20 assembly and to the governor the actions taken by their agencies in securing the grants
21 outlined in this section.

386.850. The Missouri energy task force created by executive order 05-46 shall
2 reconvene at least one time per year for the purpose of reviewing progress made toward
3 meeting the recommendations set forth in the task force's final report as issued under the
4 executive order. The task force shall issue its findings in a status report to the governor
5 and general assembly no later than December thirty-first of each year.

393.108. For purposes of this section, the hot weather rule shall mean the period
2 of time from June first to September thirtieth, in which the discontinuance of gas and
3 electric service to all residential users, including all residential tenants of apartment
4 buildings, for nonpayment of bills where gas or electricity is used as the source of cooling

5 or to operate the only cooling equipment at the residence, is prohibited in the following
6 situations:

7 (1) On any day when the National Weather Service local forecast between 6:00 a.m.
8 and 9:00 p.m. for the following twenty-four hours predicts that the temperature shall rise
9 above ninety-five degrees Fahrenheit or that the heat index shall rise above one hundred
10 five degrees Fahrenheit;

11 (2) On any day when utility personnel are not available to reconnect utility service
12 during the immediately succeeding day or days and the National Weather Service local
13 forecast between 6:00 a.m. and 9:00 p.m. predicts that the temperature during the period
14 of unavailability shall rise above ninety-five degrees Fahrenheit or that the heat index shall
15 rise above one hundred five degrees Fahrenheit; and

16 (3) In any other applicable situations provided for in rules established and
17 amended by the public service commission.

393.171. 1. The commission shall have the authority to grant the permission and
2 approval specified in section 393.170, after the construction or acquisition of any electric
3 plant located in a first class county without a charter form of government has been
4 completed if the commission determines that the grant of such permission and approval
5 is necessary or convenient for the public service. Any such permission and approval shall,
6 for all purposes, have the same effect as the permission and approval granted prior to such
7 construction or acquisition. This subsection is enacted to clarify and specify the law in
8 existence at all times since the original enactment of section 393.170.

9 2. No permission or approval granted for an electric plant by the commission under
10 subsection 1 of this section, nor any special use permit issued for any such electric plant by
11 the governing body of the county in which the electric plant is located, shall extinguish,
12 render moot, or mitigate any suit or claim pending or otherwise allowable by law by any
13 landowner or other legal entity for monetary damages allegedly caused by the operation
14 or existence of such electric plant.

15 3. The commission's authority under subsection 1 of this section shall expire on
16 August 28, 2009.

393.275. 1. The commission shall notify the governing body of each city or county
2 imposing a business license tax pursuant to section 66.300, 92.045, 94.110, 94.270 or 94.360,
3 RSMo, or a similar tax adopted pursuant to charter provisions in any constitutional charter city
4 with a population of at least three hundred fifty thousand inhabitants which is located in more
5 than one county, on gross receipts of any gas corporation, electric corporation, water corporation
6 or sewer corporation of any tariff increases authorized for such firm doing business in that city
7 or county if the approved increase exceeds seven percent. The commission shall include with

8 such notice to any city or county the percentage increase approved for the utility, together with
9 an estimate of the annual increase in gross receipts resulting from the tariff increase on customers
10 residing in that city or county. The provisions of this subsection shall not apply to rate
11 adjustments in the purchase price of natural gas which are approved by the commission.

12 2. The governing body of each city or county notified of a tariff increase as provided in
13 subsection 1 of this section shall reduce the tax rate of its business license tax on the gross
14 receipts of utility corporations. Within sixty days of the effective date of the tariff increase, the
15 tax rate shall be reduced to the extent necessary so that revenue for the ensuing twelve months
16 will be approximately equal to the revenue received during the preceding twelve months plus a
17 growth factor. The growth factor shall be equal to the average of the additional revenue received
18 in each of the preceding three years. However, a city or county may maintain the tax rate of its
19 business license tax on the gross receipts of utility corporations without reduction if an ordinance
20 to maintain the tax rate is enacted by the governing body of the city or an order to maintain the
21 tax rate is issued by the governing body of the county after September 28, 1985. The provisions
22 of this subsection shall not apply to rate adjustments in the purchase price of natural gas which
23 are approved by the commission **and such purchased gas adjustment rates shall include the**
24 **gas cost portion of net write-offs incurred by the gas corporation in providing service to**
25 **system sales customers upon the filing and approval of new rate schedules applicable to**
26 **such customers. Such rate schedules shall be designed to simultaneously decrease the gas**
27 **corporation's base rates and increase its purchased gas adjustment rates by like amounts**
28 **so as to reasonably ensure that the gas cost portion of the net write-offs applicable to such**
29 **customers, as such portion is determined by the commission, is only being recovered once**
30 **through the gas corporation's purchased gas adjustment rates. Increases and decreases**
31 **in the gas cost portion of net write-offs shall thereafter be reflected in the gas corporation's**
32 **purchased gas adjustment rates pursuant to tariff provisions approved by the commission**
33 **provided, however, that such tariff provisions shall:**

34 (1) Limit increases or decreases in the gas cost portion of net write-offs as reflected
35 in purchased gas adjustment rates to once each year;

36 (2) Require a true-up of the gas cost portion of net write-offs as reflected in
37 purchased gas adjustment rates once each year; and

38 (3) Require commission review of the gas cost portion of net write-offs as reflected
39 in purchased gas adjustment rates once each year to insure that the gas corporation is
40 prudently pursuing collection of amounts owed by its customers.

394.320. 1. Notwithstanding any other law to the contrary, any regional electric
2 cooperative engaged in providing electrical power and energy under an all-requirements
3 contract to two or more municipalities of any classification that is located in whole or in

4 **part within the state of Missouri and that has the primary function of generating and**
5 **transmitting power from a generation cooperative to a distribution cooperative shall allow**
6 **the municipalities to whom it provides electrical power to appoint at least four members**
7 **to the governing board of such regional electric cooperative. The appointments shall be**
8 **made by a majority vote of the mayors of the municipalities served by the regional electric**
9 **cooperative. Those appointed on behalf of the municipalities to the governing board of the**
10 **regional electric cooperative shall be subject to section 394.140 and the cooperative's**
11 **bylaws respecting directors of the governing board and shall enjoy the full rights,**
12 **privileges, and benefits of the other members of the governing board of the regional**
13 **electric cooperative.**

14 **2. This section may be enforced in any court of proper jurisdiction by an injunctive**
15 **remedy requiring that the regional electric cooperative cease part or all of its activities**
16 **within Missouri if such regional electric cooperative fails to comply with any of the**
17 **requirements of subsection 1 of this section.**

407.300. 1. Every **purchaser or collector of, or dealer in, junk, scrap metal, or any**
2 **secondhand property shall keep a register [which shall contain the name and address of the**
3 **person from whom] containing a written or electronic record for each purchase or trade in**
4 **which each type of metal subject to the provisions of this section is obtained for value.**
5 **There shall be a separate record for each transaction involving any:**

6 **(1) Copper, brass, or bronze;**

7 **(2) Aluminum wire [or is purchased,], cable, pipe, tubing, bar, ingot, rod, fitting, or**
8 **fastener; or**

9 **(3) Material containing copper or aluminum that is knowingly used for farming**
10 **purposes as "farming" is defined in section 350.010, RSMo;**

11
12 **whatever may be the condition or length of such [copper wire or cable] metal. The record shall**
13 **contain the following data: A copy of the driver's license or photo identification issued by**
14 **the state or by the United States government or agency thereof to the person from whom**
15 **the material is obtained, which shall contain a current address of the person from whom**
16 **the material is obtained; [the residence or place of business and driver's license number of such**
17 **person;] and the date, time, and place of and a full description of each such purchase or trade**
18 **including the quantity by weight thereof; and shall permit any peace officer to inspect the**
19 **register at any reasonable time].**

20 **2. The records required under this section shall be maintained for a minimum of**
21 **twenty-four months from when such material is obtained and shall be available for**
22 **inspection by any law enforcement officer.**

23 **3.** Anyone convicted of violating this section shall be [fined not less than twenty-five
24 dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more
25 than six months, or both] **guilty of a class A misdemeanor.**

26 **4. This section shall not apply to any of the following transactions:**

27 **(1) Any transaction for which the total amount paid for all regulated scrap metal**
28 **purchased or sold does not exceed fifty dollars;**

29 **(2) Any transaction for which the seller, including a farm or farmer, has an existing**
30 **business relationship with the scrap metal dealer and is known to the scrap metal dealer**
31 **making the purchase to be an established business or political subdivision that operates a**
32 **business with a fixed location that can be reasonably expected to generate regulated scrap**
33 **metal and can be reasonably identified as such a business; or**

34 **(3) Any transaction for which the type of metal subject to subsection 1 of this**
35 **section is a minor part of a larger item, except for equipment used in the generation and**
36 **transmission of electrical power or telecommunications.**

407.301. 1. No scrap metal dealer shall knowingly purchase or possess a metal beer
2 **keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any**
3 **premises that the dealer uses to buy, sell, store, shred, melt, cut, or otherwise alter scrap**
4 **metal except when the purchase is from the brewer or its authorized representative. For**
5 **purposes of this section, "keg" shall have the same meaning as in section 311.082, RSMo.**

6 **2. Anyone who is found guilty of, or pleads guilty to, violating this section shall be**
7 **guilty of a class A misdemeanor punishable only by fine. Nothing in this section shall be**
8 **construed to preclude a person violating this section from also being prosecuted for any**
9 **applicable criminal offense.**

407.302. 1. No scrap yard shall purchase any metal that can be identified as
2 **belonging to a public or private cemetery or to a political subdivision or electrical**
3 **cooperative, municipal utility, or a utility regulated under chapter 386 or 393, RSMo,**
4 **including bleachers, guardrails, signs, street and traffic lights or signals, and manhole**
5 **cover or covers, whether broken or unbroken, from anyone other than the cemetery or**
6 **monument owner, political subdivision, electrical cooperative or utility, or manufacturer**
7 **of the metal or item described in this section unless such person is authorized in writing by**
8 **the cemetery or monument owner, political subdivision, electrical cooperative or utility, or**
9 **manufacturer to sell the metal.**

10 **2. Anyone convicted of violating this section shall be guilty of a class B**
11 **misdemeanor.**

407.303. 1. Any scrap metal dealer paying out an amount that is five hundred dollars or more shall make such payment in the form of a check or shall pay by any method in which a financial institution makes and retains a record of the transaction.

2. This section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

537.340. 1. If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the land of any other person, including any governmental entity, or shall dig up, quarry or carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass, grain, corn, flax or hemp in which such person has no interest or right, standing, lying or being on land not such person's own, or shall knowingly break the glass or any part of it in any building not such person's own, the person so offending shall pay to the party injured treble the value of the things so injured, broken, destroyed or carried away, with costs. Any person filing a claim for damages pursuant to this section need not prove negligence or intent.

2. Notwithstanding the provisions of subsection 1 of this section, the following rules shall apply to the trimming, removing, and controlling of trees and other vegetation by any electric supplier:

(1) Every electric supplier that operates electric transmission or distribution lines shall have the authority to maintain the same by trimming, removing, and controlling trees and other vegetation posing a hazard to the continued safe and reliable operation thereof;

(2) An electric supplier may exercise its authority under subdivision (1) of this subsection if the trees and other vegetation are within the legal description of any recorded easement, or in the absence of a recorded easement, the following:

(a) Within ten feet, plus one-half the length of any attached cross arm, of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line to line and located within the limits of any city; or

(b) Within thirty feet of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line to line and located outside the limits of any city; or

(c) Within fifty feet of either side of the centerline of electricity lines potentially energized between 34.5 and one hundred kilovolts measured line to line; or

28 (d) Within the greater of the following for any electricity lines potentially energized
29 at one hundred kilovolts or more measured line to line:

30 a. Seventy-five feet to either side of the centerline; or

31 b. Any required clearance distance adopted by either the Federal Energy
32 Regulatory Commission or an Electric Reliability Organization authorized by the Energy
33 Policy Act of 2005, 16 U.S.C. Section 824o. Such exercise shall be considered reasonable
34 and necessary for the proper and reliable operation of electric service and shall create a
35 rebuttable presumption, in claims for property damage, that the electric supplier acted
36 with reasonable care, operated within its rights regarding the operation and maintenance
37 of its electricity lines, and has not committed a trespass;

38 (3) An electric supplier may trim, remove, and control trees and other vegetation
39 outside the provisions in subdivision (2) of this subsection if such actions are necessary to
40 maintain the continued safe and reliable operation of its electric lines;

41 (4) An electric supplier may secure from the owner or occupier of land greater
42 authority to trim, remove, and control trees and other vegetation than the provisions set
43 forth in subdivision (2) of this subsection and may exercise any and all rights regarding the
44 trimming, removing, and controlling of trees and other vegetation granted in any easement
45 held by the electric supplier;

46 (5) An electric supplier may trim or remove any tree of sufficient height outside the
47 provisions of subdivision (2) of this subsection when such tree, if it were to fall, would
48 threaten the integrity and safety of any electric transmission or distribution line and would
49 pose a hazard to the continued safe and reliable operation thereof;

50 (6) Prior to the removal of any tree under the provisions of subdivision (5) of this
51 subsection, an electric supplier shall notify the owner or occupier of land, if available, at
52 least fourteen days prior to such removal, unless either the electric supplier deems the
53 removal to be immediately necessary to continue the safe and reliable operation of its
54 electricity lines, or the electric supplier is trimming or removing trees and other vegetation
55 following a major weather event or other emergency situation;

56 (7) If any tree which is partially trimmed by an electric supplier dies within three
57 months as a result of such trimming, the owner or occupier of land upon which the tree
58 was trimmed may request in writing that the electric supplier remove such tree at the
59 electric supplier's expense. The electric supplier shall respond to such request within
60 ninety days;

61 (8) Nothing in this subsection shall be interpreted as requiring any electric supplier
62 to fully exercise the authorities granted in this subsection.

63 **3. For purposes of this section, the term "electric supplier" means any rural**
64 **cooperative that is subject to the provisions of chapter 394, RSMo, and any electric**
65 **corporation which is required by its bylaws to operate on the not-for-profit cooperative**
66 **business plan, with its consumers who receive service as the stockholders of such**
67 **corporation and that holds a certificate of public convenience and necessity to serve a**
68 **majority of its customer-owners in counties of the third classification as of August 28, 2003.**

570.055. Any person who steals or appropriates, without consent of the owner, any
2 **wire, electrical transformer, metallic wire associated with transmitting**
3 **telecommunications, or any other device or pipe that is associated with conducting**
4 **electricity or transporting natural gas or other combustible fuels shall be guilty of a class**
5 **C felony.**

570.056. Any person who steals or appropriates, without consent of the owner, any
2 **property located on the premises of electrical cooperatives or municipal utilities or utilities**
3 **regulated under chapter 386, RSMo, shall be guilty of a class D**
4 **felony.**

640.017. 1. For activities that may require multiple environmental state permits,
2 **an applicant may request to coordinate a unified permit schedule with the department**
3 **which covers the timing and order to obtain such permits. In determining the schedule,**
4 **the department and applicant shall consider which permits are most critical for the**
5 **regulated activity, the need for unified public participation for all of the regulated aspects**
6 **of the permitted activity, the applicant's anticipated staging of construction and financing**
7 **for the permitted activity, and the applicant's use of innovative environmental approaches**
8 **or strategies to minimize its environmental impacts.**

2. The department may initiate the unified permits process for a class of similar
10 **activities by notifying any known applicants interested in those regulated activities of the**
11 **intent to use the unified process. To the extent practicable and consistent with the**
12 **purposes of this section, the department shall coordinate with interested applicants on the**
13 **unified permit schedule.**

3. The department shall determine all of the permits required for a specific
15 **proposed activity based on information provided by the applicant; additional information**
16 **regarding the proposed activity may result in different permits being required. The**
17 **department shall propose a unified permitting schedule to interested applicants. Any**
18 **multiple-permit applicant may decline at any time to have its permits processed in**
19 **accordance with the schedule and instead proceed in a permit-by-permit approach. The**
20 **department shall publicize the order and tentative schedule on the department's Internet**
21 **web site.**

22 **4. Following the establishment of a unified permit schedule, the director shall notify**
23 **the applicant in writing of the order in which the applicant shall obtain permits. The**
24 **department shall proceed to consider applications accordingly and may only modify the**
25 **schedule with the consent of the applicant through the date of the public hearing. Each**
26 **application shall be reviewed by the department based solely on its own merits and**
27 **compliance with the applicable law.**

28 **5. The department shall coordinate with the applicant, to the extent possible, to**
29 **align the unified permit process so that all public meetings or hearings related to the**
30 **permits are consolidated into one hearing in a location near the facility.**

31 **6. In furtherance of this section, the director may waive otherwise applicable**
32 **procedural requirements related to timing as set forth in state environmental laws or rules**
33 **found in this chapter and chapters 260, 444, and 644, RSMo, so long as:**

34 **(1) The public comment periods related to each permit are not shortened; and**

35 **(2) The unified permitting schedule does not impair the ability of the applicant or**
36 **the department to comply with substantive legal requirements related to the permit**
37 **application.**

38 **7. The director shall promulgate rules to implement the provisions of this section.**
39 **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is**
40 **created under the authority delegated in this section shall become effective only if it**
41 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
42 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
43 **and if any of the powers vested with the general assembly under chapter 536, RSMo, to**
44 **review, to delay the effective date, or to disapprove and annul a rule are subsequently held**
45 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
46 **after August 28, 2008, shall be invalid and void.**

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

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

4 **(2) "Department", the department of natural resources;**

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

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

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

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

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

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

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

10 **(3) Conduct outreach and education efforts, which may be in coordination with**
11 **community action agencies, for the purpose of informing the general public about financial**
12 **assistance opportunities for energy conservation, including but not limited to, the tax**
13 **incentives under section 135.032, RSMo, and section 144.526, RSMo.**

640.216. 1. There is hereby created in the state treasury the "Studies in Energy
2 **Conservation Fund", which shall consist of moneys appropriated by the general assembly**
3 **or donated by any individual or entity. The fund shall be administered by the department**
4 **of higher education in coordination with the department of natural resources. Upon**
5 **appropriation, money in the fund shall be used solely for the purposes set forth in this**
6 **section and for any administrative expenses involving the implementation of this section.**
7 **Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys**
8 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
9 **general revenue fund. The state treasurer shall invest moneys in the fund in the same**
10 **manner as other funds are invested. Any interest and moneys earned on such investments**
11 **shall be credited to the fund.**

12 **2. Subject to an initial appropriation from the fund, there is hereby established at**
13 **the discretion of the department of higher education in coordination with the department**
14 **of natural resources a full professorship of energy efficiency and conservation.**

15 **3. At such time as the professorship of energy efficiency and conservation required**
16 **by subsection 2 of this section has been established, the department of higher education in**

17 coordination with the department of natural resources may appropriate any remaining
18 moneys from the fund for the purpose of establishing substantially similar full
19 professorships of energy efficiency and conservation at any public university within this
20 state.

21 **4. The duties of the full professor of energy efficiency and conservation and of any**
22 **professors holding positions established under subsection 3 of this section shall primarily**
23 **be to conduct studies and research regarding energy efficiency, but may also include**
24 **studies and research regarding renewable energy. Such research may involve the**
25 **evaluation of policy proposals and legislation relating to energy efficiency or renewable**
26 **energy.**

660.115. 1. For each eligible household, an amount not exceeding [six] **eight** hundred
2 dollars for each fiscal year [may] **shall** be paid from the utilicare stabilization fund to the primary
3 or secondary heating source supplier, or both, including suppliers of heating fuels, such as gas,
4 electricity, wood, coal, propane and heating oil. For each eligible household, an amount not
5 exceeding [six] **eight** hundred dollars for each fiscal year [may] **shall** be paid from the utilicare
6 stabilization fund to the primary or secondary cooling source supplier, or both; provided that the
7 respective shares of overall funding previously received by primary and secondary heating and
8 cooling source suppliers on behalf of their customers shall be substantially maintained.

9 2. For an eligible household, other than a household located in publicly owned or
10 subsidized housing, an adult boarding facility, an intermediate care facility, a residential care
11 facility or a skilled nursing facility, whose members rent their dwelling and do not pay a supplier
12 directly for the household's primary or secondary heating or cooling source, utilicare payments
13 shall be paid directly to the head of the household, except that total payments shall not exceed
14 eight percent of the household's annual rent or one hundred dollars, whichever is less.

660.135. 1. [Not more than five million dollars from state general revenue shall be
2 appropriated by the general assembly to the utilicare stabilization fund established pursuant to
3 section 660.136 for the support of the utilicare program established by sections 660.100 to
4 660.136 for any fiscal year, except in succeeding years the amount of state funds may be
5 increased by a percentage which reflects the national cost-of-living index or seven percent,
6 whichever is lower.] **The utilicare stabilization fund for any fiscal year shall be funded,**
7 **subject to appropriations, by the general assembly.**

8 2. The department of social services [may] **shall**, in coordination with the department
9 of natural resources, apply a portion of the funds appropriated annually by the general assembly
10 to the utilicare stabilization fund established pursuant to section 660.136 to the low income
11 weatherization assistance program of the department of natural resources; provided that any

12 project financed with such funds shall be consistent with federal guidelines for the
13 Weatherization Assistance Program for Low-Income Persons as authorized by 42 U.S.C. 6861.

Section B. Because immediate action is necessary to encourage immediate spending of
2 any advance refund amount received as a credit against federal income tax under the federal
3 Economic Stimulus Act of 2008, the enactment of section 144.067 of section A of this act is
4 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
5 and is hereby declared to be an emergency act within the meaning of the constitution, and the
6 enactment of section 144.067 of section A of this act shall be in full force and effect upon its
7 passage and approval.

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