

SECOND REGULAR SESSION

HOUSE BILL NO. 1516

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (150).

4090L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 21.840, 28.163, 57.080, 57.130, 71.970, 99.799, 115.177, 143.171, 165.016, 165.018, 174.020, 192.632, 197.305, 197.318, 197.366, 198.087, 208.344, 208.978, 211.013, 217.860, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.367, 320.093, 329.028, 374.208, 376.671, 376.990, 537.675, and 620.515, RSMo, and to enact in lieu thereof eleven new sections for the sole purpose of repealing expired, sunset, terminated, or ineffective provisions of law.

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

Section A. Sections 21.840, 28.163, 57.080, 57.130, 71.970, 99.799, 115.177, 143.171, 165.016, 165.018, 174.020, 192.632, 197.305, 197.318, 197.366, 198.087, 208.344, 208.978, 211.013, 217.860, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.367, 320.093, 329.028, 374.208, 376.671, 376.990, 537.675, and 620.515, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 57.080, 115.177, 143.171, 174.020, 197.305, 197.318, 197.366, 198.087, 329.028, 537.675, and 620.515, to read as follows:

57.080. [1.] Whenever from any cause the office of sheriff becomes vacant, the same shall be filled by the county commission; if such vacancy happens more than nine months prior to the time of holding a general election, such county commission shall immediately order a special election to fill the same, and the person by it appointed shall hold said office until the person chosen at such election shall be duly qualified; otherwise the person appointed by such county commission shall hold office until the person chosen at such general election shall be duly qualified; but while such vacancy continues, any writ or process directed to the said sheriff and in such sheriff's hands at the time such vacancy occurs, remaining unexecuted, and any writ or process issued after such vacancy, may be served by any person selected by the plaintiff, the

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.

10 plaintiff's agent or attorney, at the risk of such plaintiff; and the clerk of any court out of which
11 such writ or process shall issue shall endorse on such writ or process the authority to such person
12 to execute and return the same, and shall state on such endorsement that the authority thus given
13 is "at the request and risk of the plaintiff", and the person so named in said writ or process may
14 proceed to execute and return said process, as sheriffs are by the law required to do. Such
15 election shall be held on or before the tenth Tuesday after the vacancy occurs. Upon the
16 occurrence of such vacancy, it shall be the duty of the presiding commissioner of the county
17 commission, if such commission be not then in session, to call a special term thereof, and cause
18 said election to be held.

19 [2. Notwithstanding the provisions of this section to the contrary, if a vacancy occurs in
20 the office of the sheriff in any county of the first classification with more than seventy-one
21 thousand three hundred but fewer than seventy-one thousand four hundred inhabitants, the
22 election to fill such vacancy shall be held on the general municipal election day as provided for
23 in section 115.121, RSMo. The provisions of this subsection shall expire on June 1, 2005.]

EXPLANATION: Subsection 2 of this section expired 06-01-05.

115.177. Nothing in this subchapter shall be construed in any way as interfering with or
2 discontinuing any person's valid registration which is in effect on January 1, 1978, until such
3 time as the person is required to transfer his registration or to reregister under the provisions of
4 sections 115.001 to 115.641 [and sections 51.450 and 51.460, RSMo].

EXPLANATION: The intersectional references at the end of this section are not longer
valid.

143.171. 1. [For all tax years beginning before January 1, 1994, for an individual
2 taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the
3 taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the
4 Internal Revenue Code for the same taxable year for which the Missouri return is being filed
5 after reduction for all credits thereon, except the credit for payments of federal estimated tax, the
6 credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue
7 Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States
8 possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).
9 2.] For all tax years beginning on or after January 1, 1994, an individual taxpayer shall
10 be allowed a deduction for his federal income tax liability under chapter 1 of the Internal
11 Revenue Code for the same taxable year for which the Missouri return is being filed, not to

12 exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined
13 return, after reduction for all credits thereon, except the credit for payments of federal estimated
14 tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal
15 Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and
16 United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and
17 lubricating oils).

18 [3.] 2. For all tax years beginning on or after September 1, 1993, a corporate taxpayer
19 shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1
20 of the Internal Revenue Code for the same taxable year for which the Missouri return is being
21 filed after reduction for all credits thereon, except the credit for payments of federal estimated
22 tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal
23 Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and
24 United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and
25 lubricating oils).

26 [4.] 3. If a federal income tax liability for a tax year prior to the applicability of sections
27 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid
28 or accrued, he may deduct the federal tax in the later year to the extent it would have been
29 deductible if paid or accrued in the prior year.

EXPLANATION: Subsection 1 of this section applies only to tax years prior to 1994.

174.020. 1. Except as provided in subsection 5 of this section, state institutions of higher
2 education governed by sections 174.020 to 174.500 shall be named and known as follows: the
3 institution at Warrensburg, Johnson County, shall hereafter be known as the "Central Missouri
4 State University"; the institution at Cape Girardeau, Cape Girardeau County, shall hereafter be
5 known as the "Southeast Missouri State University"; the institution at Springfield, Greene
6 County, shall hereafter be known as the "Missouri State University"; the institution at Maryville,
7 Nodaway County, shall hereafter be known as the "Northwest Missouri State University"; the
8 institution at St. Joseph, Buchanan County, shall hereafter be known as the "Missouri Western
9 State University"; the institution at Joplin, Jasper County, shall hereafter be known as the
10 "Missouri Southern State University"; and the college in the city of St. Louis shall be known as
11 "Harris-Stowe State University".

12 2. References in the statutes in this state to such institutions whether denominated
13 colleges or universities in such statutes or whether said institutions are renamed in subsection
14 1 of this section shall continue to apply to the applicable institution.

15 3. Any costs incurred with respect to modifications of the names of the state colleges and
16 universities specified in subsection 1 of this section shall not be paid from state funds.

17 4. When the conditions set forth in section 178.631, RSMo, are met, the technical college
18 located in Osage County, commonly known as the East Campus of Linn Technical College, shall
19 be known as "Linn State Technical College".

20 [5. The board of governors of the institution at Warrensburg, Johnson County, may alter
21 the name of such institution to "The University of Central Missouri" upon the approval of at least
22 four voting members of the board. Upon such a vote, the board shall provide written notice to
23 the revisor of statutes affirming that the board has approved the alteration. From the date the
24 revisor receives the notice, the institution at Warrensburg, Johnson County, shall be named and
25 known as "The University of Central Missouri". The provisions of this subsection shall expire
26 on August 28, 2007.]

EXPLANATION: Subsection 5 of this section expired on August 28, 2007.

197.305. As used in sections 197.300 to 197.366, the following terms mean:

2 (1) "Affected persons", the person proposing the development of a new institutional
3 health service, the public to be served, and health care facilities within the service area in which
4 the proposed new health care service is to be developed;

5 (2) "Agency", the certificate of need program of the Missouri department of health and
6 senior services;

7 (3) "Capital expenditure", an expenditure by or on behalf of a health care facility which,
8 under generally accepted accounting principles, is not properly chargeable as an expense of
9 operation and maintenance;

10 (4) "Certificate of need", a written certificate issued by the committee setting forth the
11 committee's affirmative finding that a proposed project sufficiently satisfies the criteria
12 prescribed for such projects by sections 197.300 to 197.366;

13 (5) "Develop", to undertake those activities which on their completion will result in the
14 offering of a new institutional health service or the incurring of a financial obligation in relation
15 to the offering of such a service;

16 (6) "Expenditure minimum" shall mean:

17 (a) For beds in existing or proposed health care facilities licensed pursuant to chapter
18 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection
19 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures,
20 or four hundred thousand dollars in the case of major medical equipment, provided, however,
21 that prior to January 1, 2003, the expenditure minimum for beds in such a facility and long-term

22 care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the
23 provisions of subsection 7 of section 197.318;

24 (b) For beds or equipment in a long-term care hospital meeting the requirements
25 described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

26 (c) For health care facilities, new institutional health services or beds not described in
27 paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures,
28 excluding major medical equipment, and one million dollars in the case of medical equipment;

29 (7) ["Health care facilities", hospitals, health maintenance organizations, tuberculosis
30 hospitals, psychiatric hospitals, intermediate care facilities, skilled nursing facilities, residential
31 care facilities and assisted living facilities, kidney disease treatment centers, including
32 freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and
33 ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other
34 practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian
35 Science Nursing facilities listed and certified by the Commission for Accreditation of Christian
36 Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in
37 existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of
38 the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and
39 Disclosure Act, 29 U.S.C. 401-538, and any residential care facility or assisted living facility
40 operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal
41 Internal Revenue Code, as amended, which does not require the expenditure of public funds for
42 purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

43 (8) "Health service area", a geographic region appropriate for the effective planning and
44 development of health services, determined on the basis of factors including population and the
45 availability of resources, consisting of a population of not less than five hundred thousand or
46 more than three million;

47 [(9)] (8) "Major medical equipment", medical equipment used for the provision of
48 medical and other health services;

49 [(10)] (9) "New institutional health service":

50 (a) The development of a new health care facility costing in excess of the applicable
51 expenditure minimum;

52 (b) The acquisition, including acquisition by lease, of any health care facility, or major
53 medical equipment costing in excess of the expenditure minimum;

54 (c) Any capital expenditure by or on behalf of a health care facility in excess of the
55 expenditure minimum;

56 (d) Predevelopment activities as defined in subdivision (13) hereof costing in excess of
57 one hundred fifty thousand dollars;

58 (e) Any change in licensed bed capacity of a health care facility which increases the total
59 number of beds by more than ten or more than ten percent of total bed capacity, whichever is
60 less, over a two-year period;

61 (f) Health services, excluding home health services, which are offered in a health care
62 facility and which were not offered on a regular basis in such health care facility within the
63 twelve-month period prior to the time such services would be offered;

64 (g) A reallocation by an existing health care facility of licensed beds among major types
65 of service or reallocation of licensed beds from one physical facility or site to another by more
66 than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a
67 two-year period;

68 [(11)] (10) "Nonsubstantive projects", projects which do not involve the addition,
69 replacement, modernization or conversion of beds or the provision of a new health service but
70 which include a capital expenditure which exceeds the expenditure minimum and are due to an
71 act of God or a normal consequence of maintaining health care services, facility or equipment;

72 [(12)] (11) "Person", any individual, trust, estate, partnership, corporation, including
73 associations and joint stock companies, state or political subdivision or instrumentality thereof,
74 including a municipal corporation;

75 [(13)] (12) "Predevelopment activities", expenditures for architectural designs, plans,
76 working drawings and specifications, and any arrangement or commitment made for financing;
77 but excluding submission of an application for a certificate of need.

EXPLANATION: The definition in subdivision (7) of this section is superseded by the
definition of "health care facilities" in section 197.366 which became
applicable after 12-31-01.

197.318. 1. The provisions of section 197.317 shall not apply to a residential care
2 facility, assisted living facility, intermediate care facility or skilled nursing facility only where
3 the department of social services has first determined that there presently exists a need for
4 additional beds of that classification because the average occupancy of all licensed and available
5 residential care facility, assisted living facility, intermediate care facility and skilled nursing
6 facility beds exceeds ninety percent for at least four consecutive calendar quarters, in a particular
7 county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise
8 appears to qualify for a certificate of need. The department's certification that there is no need
9 for additional beds shall serve as the final determination and decision of the committee. In
10 determining ninety percent occupancy, residential care facility and assisted living facility shall

11 be one separate classification and intermediate care and skilled nursing facilities are another
12 separate classification.

13 2. The Missouri health facilities review committee may, for any facility certified to it by
14 the department, consider the predominant ethnic or religious composition of the residents to be
15 served by that facility in considering whether to grant a certificate of need.

16 3. [There shall be no expenditure minimum for facilities, beds, or services referred to in
17 subdivisions (1), (2) and (3) of section 197.317. The provisions of this subsection shall expire
18 January 1, 2003.

19 4.] As used in this section, the term "licensed and available" means beds which are
20 actually in place and for which a license has been issued.

21 [5.] 4. The provisions of section 197.317 shall not apply to any facility where at least
22 ninety-five percent of the patients require diets meeting the dietary standards defined by section
23 196.165, RSMo.

24 [6.] 5. The committee shall review all letters of intent and applications for long-term care
25 hospital beds meeting the requirements described in 42 CFR, Section 412.23(e) under its criteria
26 and standards for long-term care beds.

27 [7.] 6. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending
28 in state court on or before April 1, 1996, in which the Missouri health facilities review committee
29 is a defendant in an action concerning the application of sections 197.300 to 197.366 to
30 long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e).

31 [8.] 7. Notwithstanding any other provision of this chapter to the contrary:

32 (1) A facility licensed pursuant to chapter 198, RSMo, may increase its licensed bed
33 capacity by:

34 (a) Submitting a letter of intent to expand to the division of aging and the health facilities
35 review committee;

36 (b) Certification from the division of aging that the facility:

37 a. Has no patient care class I deficiencies within the last eighteen months; and

38 b. Has maintained a ninety-percent average occupancy rate for the previous six quarters;

39 (c) Has made an effort to purchase beds for eighteen months following the date the letter
40 of intent to expand is submitted pursuant to paragraph (a) of this subdivision. For purposes of
41 this paragraph, an "effort to purchase" means a copy certified by the offeror as an offer to
42 purchase beds from another licensed facility in the same licensure category; and

43 (d) If an agreement is reached by the selling and purchasing entities, the health facilities
44 review committee shall issue a certificate of need for the expansion of the purchaser facility upon
45 surrender of the seller's license; or

46 (e) If no agreement is reached by the selling and purchasing entities, the health facilities
47 review committee shall permit an expansion for:

48 a. A facility with more than forty beds may expand its licensed bed capacity within the
49 same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same
50 licensure category in such facility has experienced an average occupancy of ninety-three percent
51 or greater over the previous six quarters;

52 b. A facility with fewer than forty beds may expand its licensed bed capacity within the
53 same licensure category by twenty-five percent or ten beds, whichever is greater, if that same
54 licensure category in such facility has experienced an average occupancy of ninety-two percent
55 or greater over the previous six quarters;

56 c. A facility adding beds pursuant to subparagraphs a. or b. of this paragraph shall not
57 expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure
58 category;

59 (2) Any beds sold shall, for five years from the date of relicensure by the purchaser,
60 remain unlicensed and unused for any long-term care service in the selling facility, whether they
61 do or do not require a license;

62 (3) The beds purchased shall, for two years from the date of purchase, remain in the bed
63 inventory attributed to the selling facility and be considered by the department of social services
64 as licensed and available for purposes of this section;

65 (4) Any residential care facility licensed pursuant to chapter 198, RSMo, may relocate
66 any portion of such facility's current licensed beds to any other facility to be licensed within the
67 same licensure category if both facilities are under the same licensure ownership or control, and
68 are located within six miles of each other;

69 (5) A facility licensed pursuant to chapter 198, RSMo, may transfer or sell individual
70 long-term care licensed beds to facilities qualifying pursuant to paragraphs (a) and (b) of
71 subdivision (1) of this subsection. Any facility which transfers or sells licensed beds shall not
72 expand its licensed bed capacity in that licensure category for a period of five years from the date
73 the licensure is relinquished.

74 **[9.] 8.** Any existing licensed and operating health care facility offering long-term care
75 services may replace one-half of its licensed beds at the same site or a site not more than thirty
76 miles from its current location if, for at least the most recent four consecutive calendar quarters,
77 the facility operates only fifty percent of its then licensed capacity with every resident residing
78 in a private room. In such case:

79 (1) The facility shall report to the division of aging vacant beds as unavailable for
80 occupancy for at least the most recent four consecutive calendar quarters;

81 (2) The replacement beds shall be built to private room specifications and only used for
82 single occupancy; and

83 (3) The existing facility and proposed facility shall have the same owner or owners,
84 regardless of corporate or business structure, and such owner or owners shall stipulate in writing
85 that the existing facility beds to be replaced will not later be used to provide long-term care
86 services. If the facility is being operated under a lease, both the lessee and the owner of the
87 existing facility shall stipulate the same in writing.

88 [10.] 9. Nothing in this section shall prohibit a health care facility licensed pursuant to
89 chapter 198, RSMo, from being replaced in its entirety within fifteen miles of its existing site so
90 long as the existing facility and proposed or replacement facility have the same owner or owners
91 regardless of corporate or business structure and the health care facility being replaced remains
92 unlicensed and unused for any long-term care services whether they do or do not require a license
93 from the date of licensure of the replacement facility.

EXPLANATION: Subsection 3 of this section expired 01-01-03.

197.366. The [provisions of subdivision (8) of section 197.305 to the contrary
2 notwithstanding, after December 31, 2001, the] term "health care facilities" in sections 197.300
3 to 197.366 shall mean:

4 (1) Facilities licensed under chapter 198, RSMo;

5 (2) Long-term care beds in a hospital as described in subdivision (3) of subsection 1 of
6 section 198.012, RSMo;

7 (3) Long-term care hospitals or beds in a long-term care hospital meeting the
8 requirements described in 42 CFR, section 412.23(e); and

9 (4) Construction of a new hospital as defined in chapter 197.

EXPLANATION: This section replaced the definition contained in subdivision (7) of
section 197.305 after 12-31-01.

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

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

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

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

18 (4) With the full cooperation of and in conjunction with the department of health and
19 senior services, evaluate the implementation and compliance of the provisions of subdivision (3)
20 of subsection 1 of section 198.012 in which rules, requirements, regulations and standards
21 pursuant to section 197.080, RSMo, for assisted living facilities, intermediate care facilities and
22 skilled nursing facilities attached to an acute care hospital are consistent with the intent of this
23 chapter[. A report of the differences found in the evaluation conducted pursuant to this
24 subdivision shall be made jointly by the departments of social services and health and senior
25 services to the governor and members of the general assembly by January 1, 2008]; and

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

EXPLANATION: The report in subdivision (4) of this section was due by 06-30-08.

329.028. 1. There is hereby created in the state treasury a fund to be known as the
2 "Board of Cosmetology and Barber Examiners Fund", which shall consist of all moneys collected
3 by the board. All fees provided for in this chapter and chapter 328, RSMo, shall be payable to
4 the director of the division of professional registration, who shall keep a record of the account
5 showing the total payments received and shall immediately thereafter transmit them to the
6 department of revenue for deposit in the state treasury to the credit of the board of cosmetology
7 and barber examiners fund. All the salaries and expenses for the operation of the board shall be
8 appropriated and paid from such fund.

9 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
10 this fund shall not be transferred and placed to the credit of general revenue until the amount in
11 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
12 board's funds for the preceding fiscal year or, if the board requires by rule license renewal less
13 frequently than yearly, then three times the appropriation from the board's funds for the preceding
14 fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which
15 exceeds the appropriate multiple of the appropriations from the board's funds for the preceding
16 fiscal year.

17 [3. Upon appointment by the governor and confirmation by the senate of the board, all
18 moneys deposited in the board of barbers fund created in section 328.050, RSMo, and the state
19 board of cosmetology fund created in section 329.240, shall be transferred to the board of
20 cosmetology and barber examiners fund created in subsection 1 of this section. The board of
21 barbers fund and the state board of cosmetology fund shall be abolished when all moneys are
22 transferred to the board of cosmetology and barber examiners fund.]

EXPLANATION: The requirement in subsection 3 of this section for the transfer of moneys
 from abolished funds has occurred.

537.675. 1. As used in sections 537.675 through 537.693, the following terms mean:
2 (1) "Annual claims", that period of time commencing on the first day of January of every
3 year after December 31, 2002, and ending on the last day of that calendar year;
4 (2) "Commission", the labor and industrial relations commission;
5 (3) "Division", the division of workers' compensation;
6 (4) "Initial claims period", that period commencing on August 28, 2001, and ending on
7 December 31, 2002;
8 (5) "Punitive damage final judgment", an award for punitive damages excluding interest
9 that is no longer subject to review by courts of this state or of the United States;
10 (6) "Uncompensated tort victim", a person who:
11 (a) Is a party in a personal injury or wrongful death lawsuit; or is a tort victim whose
12 claim against the tort-feasor has been settled for the policy limits of insurance covering the
13 liability of such tort-feasor and such policy limits are inadequate in light of the nature and extent
14 of damages due to the personal injury or wrongful death;
15 (b) Unless described in paragraph (a) of this subdivision:
16 a. Has obtained a final monetary judgment in that lawsuit described in paragraph (a) of
17 this subdivision against a tort-feasor for personal injuries, or wrongful death in a case in which
18 all appeals are final;

- 19 b. Has exercised due diligence in enforcing the judgment; and
20 c. Has not collected the full amount of the judgment;
21 (c) Is not a corporation, company, partnership or other incorporated or unincorporated
22 commercial entity;
23 (d) Is not any entity claiming a right of subrogation;
24 (e) Was not on house arrest and was not confined in any federal, state, regional, county
25 or municipal jail, prison or other correctional facility at the time he or she sustained injury from
26 the tort-feasor;
27 (f) Has not pleaded guilty to or been found guilty of two or more felonies, where such
28 two or more felonies occurred within ten years of the occurrence of the tort in question, and
29 where either of such felonies involved a controlled substance or an act of violence; and
30 (g) Is a resident of the state of Missouri or sustained personal injury or death by a tort
31 which occurred in the state of Missouri.
- 32 2. There is created the "Tort Victims' Compensation Fund". Unexpended moneys in the
33 fund shall not lapse at the end of the biennium as provided in section 33.080, RSMo.
- 34 3. Any party receiving a judgment final for purposes of appeal for punitive damages in
35 any case filed in any division of any circuit court of the state of Missouri shall notify the attorney
36 general of the state of Missouri of such award, except for actions claiming improper health care
37 pursuant to chapter 538, RSMo. The state of Missouri shall have a lien for deposit into the tort
38 victims' compensation fund to the extent of fifty percent of the punitive damage final judgment
39 which shall attach in any such case after deducting attorney's fees and expenses. In each case,
40 the attorney general shall serve a lien notice by certified mail or registered mail upon the party
41 or parties against whom the state has a claim for collection of its share of a punitive damage final
42 judgment. On a petition filed by the state, the court, on written notice to all interested parties,
43 shall adjudicate the rights of the parties and enforce the lien. The lien shall not be satisfied out
44 of any recovery until the attorney's claim for fees and expenses is paid. The state can file its lien
45 in all cases where punitive damages are awarded upon the entry of the judgment final for
46 purposes of appeal. The state cannot enforce its lien until there is a punitive damage final
47 judgment. Cases resolved by arbitration, mediation or compromise settlement prior to a punitive
48 damage final judgment are exempt from the provisions of this section. Nothing in this section
49 shall hinder or in any way affect the right or ability of the parties to any claim or lawsuit to
50 compromise or settle such claim or litigation on any terms and at any time the parties desire.
- 51 4. The state of Missouri shall have no interest in or right to intervene at any stage of any
52 judicial proceeding pursuant to this section, except to enforce its lien rights as provided in
53 subsection 3 of this section.

54 5. Twenty-six percent of all payments deposited into the tort victims' compensation
55 fund[,] and all interest accruing on the principal regardless of source or designation[, and any
56 moneys remaining in the legal services for low-income people fund as of August 28, 2008,] shall
57 be transferred to the basic civil legal services fund established in section 477.650, RSMo.
58 Moneys in the tort victims' compensation fund shall not be used to pay any portion of a refund
59 mandated by article X, section 18 of the constitution.

EXPLANATION: The transfer of moneys required under a portion of subsection 5 of this
section occurred on 08-28-08.

620.515. 1. This section shall be known and may be cited as the "Hero at Home"
2 program, the purpose of which is to:
3 (1) Assist the spouse of an active duty national guard or reserve component service
4 member reservist to address immediate needs and employment in an attempt to keep the family
5 from falling into poverty while the primary income earner is on active duty, and during the
6 one-year period following discharge from deployment; and
7 (2) Assist returning national guard troops or reserve component service member
8 reservists with finding work in situations where an individual needs to rebuild business clientele
9 or where an individual's job has been eliminated while such individual was deployed, or where
10 the individual otherwise cannot return to his or her previous employment.
11 2. Subject to appropriation, the department of economic development shall operate the
12 hero at home program through existing programs or by entering into a contract with qualified
13 providers through local workforce investment boards. Eligibility for the program shall be based
14 on the following criteria:
15 (1) Eligible participants in the program shall be those families where:
16 (a) The primary income earner was called to active duty in defense of the United States
17 for a period of more than four months;
18 (b) The family's primary income is no longer available;
19 (c) The family is experiencing significant hardship due to financial burdens; and
20 (d) The family has no outside resources available to assist with such hardships;
21 (2) Services that may be provided to the family will be aimed at ameliorating the
22 immediate crisis and providing a path for economic stability while the primary income is not
23 available due to the active military commitment. Services shall be made available up to one year
24 following discharge from deployment. Services may include, but not be limited to the following:
25 (a) Financial assistance to families facing financial crisis from overdue bills due to
26 reduced income after the deployment of a spouse;

- 27 (b) Help paying day care costs to pursue training and or employment;
28 (c) Help covering the costs of transportation to training and or employment;
29 (d) Vocational evaluation and vocational counseling to help the individual choose a
30 visible employment goal;
31 (e) Vocational training to acquire or upgrade skills needed to be marketable in the
32 workforce;
33 (f) Paid internships and subsidized employment to train on the job; and
34 (g) Job placement assistance for those who don't require skills training;
35 (3) The department shall ensure the eligible providers are:
36 (a) Community-based not-for-profit agencies which have significant experience in job
37 training, placement, and social services;
38 (b) Providers with extensive experience providing such services to veterans and
39 implementing contracts with veteran organizations such as the department of veteran affairs;
40 (c) Providers which have attained the distinction of being accredited through a national
41 accreditation body for training and or human services;
42 (d) Providers which are able to provide a twenty percent match to the program either
43 through indirect or direct expenditures; and
44 (e) Providers with experience in the regions targeted for the program.
45 3. The department shall structure any contract such that payment will be based on
46 delivering the services described in this section as well as performance to guarantee the greatest
47 possible effectiveness of the program.
48 4. Because of the important nature of this program to the health and welfare of
49 Missourians, this section shall become effective on July 1, 2006. The department shall make
50 every reasonable effort to ensure that the hero at home program is serving families by August 1,
51 2006.
52 [5. The department shall prepare a report on the operations and progress of the program
53 to be delivered to the speaker of the house of representatives and the president pro tem of the
54 senate no later than January 1, 2007.]

EXPLANATION: The report required under subsection 5 of this section was due for submission no later than 01-01-07.

- 2 [21.840. 1. There is established a joint committee of the general
3 assembly to be known as the "Joint Committee on Preneed Funeral Contracts" to
4 be composed of seven members of the senate and seven members of the house
5 of representatives. The senate members of the joint committee shall be appointed
by the president pro tem and minority floor leader of the senate and the house

6 members shall be appointed by the speaker and minority floor leader of the house
7 of representatives. The appointment of each member shall continue during the
8 member's term of office as a member of the general assembly or until a successor
9 has been appointed to fill the member's place when his or her term of office as a
10 member of the general assembly has expired. No party shall be represented by
11 more than four members from the house of representatives nor more than four
12 members from the senate. A majority of the committee shall constitute a
13 quorum, but the concurrence of a majority of the members shall be required for
14 the determination of any matter within the committee's duties.

15 2. The joint committee shall:

16 (1) Make a comprehensive study and analysis of the consumer and
17 economic impact on the preneed funeral contract industry in the state of
18 Missouri;

19 (2) Determine from its study and analysis the need for changes in
20 statutory law; and

21 (3) Make any other recommendation to the general assembly relating to
22 its findings.

23 3. The joint committee shall meet within thirty days after its creation and
24 organize by selecting a chairperson and a vice chairperson, one of whom shall be
25 a member of the senate and the other a member of the house of representatives.

26 4. The committee may meet at locations other than Jefferson City when
27 the committee deems it necessary.

28 5. The committee shall be staffed by legislative personnel as is deemed
29 necessary to assist the committee in the performance of its duties.

30 6. The members of the committee shall serve without compensation but
31 shall be entitled to reimbursement for actual and necessary expenses incurred in
32 the performance of their official duties.

33 7. It shall be the duty of the committee to compile a full report of its
34 activities for submission to the general assembly. The report shall be submitted
35 not later than January 31, 2009, and shall include any recommendations which
36 the committee may have for legislative action as well as any recommendations
37 for administrative or procedural changes in the internal management or
38 organization of state or local government agencies and departments. Copies of
39 the report containing such recommendations shall be sent to the appropriate
40 directors of state or local government agencies or departments included in the
41 report.

42 8. The provisions of this section shall expire on January 31, 2009.]

EXPLANATION: This section expired 01-31-09.

2 [28.163. The secretary of state may, by administrative rule, provide for
a one-time increase not to exceed the amounts specified in sections 347.740,

3 RSMo, 351.127, RSMo, 355.023, RSMo, 356.233, RSMo, 359.653, RSMo,
4 400.9-508, RSMo, and 417.018, RSMo.]

EXPLANATION: The final report required in this section was due on 06-30-06.

2 [57.130. 1. The sheriffs of the several counties shall collect and account
3 for all the fines, penalties, forfeitures and other sums of money, by whatever
4 name designated, accruing to the state or any county by virtue of any order,
5 judgment or decree of a court of record, provided that by court rule provision may
6 be made for a court clerk to collect fines, penalties, forfeitures and other sums of
7 money accruing to the state by virtue of any order, judgment or decree of the
8 court.

9 2. The provisions of this section shall expire and be of no force and effect
on and after July 1, 2007.]

EXPLANATION: This section expired 07-01-07.

2 [71.970. 1. Municipalities may own and operate cable television
3 facilities on a nondiscriminatory, competitively neutral basis, and at a price which
4 covers costs, including imputed costs that the political subdivision would incur
5 if it were a for-profit business. No municipality may own or operate cable
6 television facilities and services unless approved by a vote of the people. This
7 section shall apply only to municipalities that acquire or construct cable
8 television facilities and services after August 28, 2002.

9 2. The public service commission shall annually study the economic
10 impact of the provisions of this section and prepare and submit a report to the
11 general assembly by December thirty-first of each year.

3. The provisions of this section shall terminate on August 28, 2007.]

EXPLANATION: This section expired 08-28-07.

2 [99.799. 1. The joint committee on tax policy shall conduct a study of
3 the feasibility of creating a program to allow municipalities within the state to
4 engage in tax increment finance-like projects with optional tax abatement in any
5 area of such municipality regardless of the existence of blight. The committee
6 shall report its findings to the general assembly no later than December 31, 2007.

2. The provisions of this section shall expire on January 1, 2008.]

EXPLANATION: This section expired 01-01-08.

2 [165.016. 1. A school district shall expend as a percentage of current
3 operating cost, for tuition, teacher retirement and compensation of certificated
staff, a percentage that is for the 1994-95 and 1995-96 school years no less than

4 three percentage points less than the base school year certificated salary
5 percentage and for the 1996-97 school year, no less than two percentage points
6 less than the base school year certificated salary percentage. A school district
7 may exclude transportation and school safety and security expenditures from the
8 current operating cost calculation of the base year and the year or years for which
9 the compliance percentage is calculated. The base school year certificated salary
10 percentage shall be the two-year average percentage of the 1991-92 and 1992-93
11 school years except as otherwise established by the state board under subsection
12 4 of this section; except that, for any school district experiencing, over a period
13 of three consecutive years, an average yearly increase in average daily attendance
14 of at least three percent, the base school year certificated salary percentage may
15 be the two-year average percentage of the last two years of such period of three
16 consecutive years, at the discretion of the school district.

17 2. Beginning with the 1997-98 school year, a school district shall:

18 (1) Expend, as a percentage of current operating cost, as determined in
19 subsection 1 of this section, for tuition, teacher retirement and compensation of
20 certificated staff, a percentage that is no less than two percentage points less than
21 the base school year certificated salary percentage; or

22 (2) For any year in which no payment of a penalty is required for the
23 district under subsection 6 of this section, have an unrestricted fund balance in
24 the combined incidental and teachers' funds on June thirtieth which is equal to or
25 less than ten percent of the combined expenditures for the year from those funds.

26 3. Beginning with the 1999-00 school year:

27 (1) As used in this subsection, "fiscal instructional ratio of efficiency" or
28 "FIRE" means the quotient of the sum of the district's current operating costs,
29 which for this section shall mean all expenditures for instruction and support
30 services, excluding capital outlay and debt service expenditures less the revenue
31 from federal categorical sources, food service, student activities, and payments
32 from other districts, for all kindergarten through grade twelve direct instructional
33 and direct pupil support service functions plus the costs of improvement of
34 instruction and the cost of purchased services and supplies for operation of the
35 facilities housing those programs, and excluding student activities, divided by the
36 sum of the district's current operating cost, as defined in this subdivision, for
37 kindergarten through grade twelve, plus all tuition revenue received from other
38 districts minus all noncapital transportation and school safety and security costs;

39 (2) A school district shall show compliance with this section in school
40 year 1998-99 and thereafter by the method described in subsections 1 and 2 of
41 this section, or by maintaining or increasing its fiscal instructional ratio of
42 efficiency compared to its FIRE for the 1997-98 base year.

43 4. (1) The state board of education may exempt a school district from the
44 requirements of this section upon receiving a request for an exemption by a
45 school district. The request shall show the reason or reasons for the
46 noncompliance, and the exemption shall apply for only one school year.

Requests for exemptions under this subdivision may be resubmitted in succeeding years.

(2) A school district may request of the state board a one-time, permanent revision of the base school year certificated salary percentage. The request shall show the reason or reasons for the revision.

5. Any school district requesting an exemption or revision under subsection 4 of this section must notify the certified staff of the district in writing of the district's intent. Prior to granting an exemption or revision, the state board shall consider comments from certified staff of the district. The state board decision shall be final.

6. Any school district which is determined by the department to be in violation of the requirements of subsection 1 or 2 of this section, or both, shall compensate the building-level administrative staff and nonadministrative certificated staff during the year following the notice of violation by an additional amount which is equal to one hundred ten percent of the amount necessary to bring the district into compliance with this section for the year of violation. In any year in which a penalty is paid, the district shall pay the penalty specified in this subsection in addition to the amount required under this section for the current school year.

7. Any additional transfers from the teachers' or incidental fund to the capital projects fund beyond the transfers authorized by state law and state board policy in effect on January 1, 1996, shall be considered expenditures from the teachers' or incidental fund for the purpose of determining compliance with the provisions of subsections 1, 2 and 3 of this section.

8. The provisions of this section shall not apply to any district wherein the local effort is greater than its weighted average daily attendance multiplied by the state adequacy target multiplied by the dollar value modifier under section 163.031, RSMo.

9. The provisions of subsections 1 to 8 of this section shall not apply to any district that has unrestricted fund balances in the combined incidental and teacher funds on June thirtieth of the preceding year which are equal to or less than seventeen percent of the combined expenditure for the preceding year from these funds in any year in which state funds distributed pursuant to subsections 1 and 2 of section 163.031, RSMo, are no more than ninety-six percent of such state funds distributed in fiscal year 2002.

10. The provisions of subsections 1 to 8 of this section shall not apply to any district which meets the following criteria:

(1) With ten percent or more of its assessed valuation that is owned by one person or corporation as commercial or personal property who is delinquent in a property tax payment;

(2) With unrestricted fund balances in the combined incidental and teacher funds on June thirtieth of the preceding year which are equal to or less than one-half of the local property tax revenue for the previous year; and

90 (3) In any year in which state funds distributed pursuant to subsections
91 1 and 2 of section 163.031, RSMo, are no more than ninety-six percent of such
92 state funds distributed in fiscal year 2002.
93 11. The provisions of this section shall terminate on June 30, 2007.]

EXPLANATION: This section expired 06-30-07.

2 [165.018. 1. Any school district shall be permitted to make a one-time
3 additional transfer from the incidental fund to the capital projects fund in an
4 amount not to exceed forty percent of that district's June 30, 2006, incidental fund
5 if such school district meets one of the following qualifications:
6 (1) Has an average daily attendance between nine hundred forty and one
7 thousand forty during the 2004-2005 school year, located at least partially in a
8 county of the third classification with a township form of government and with
9 more than twenty-nine thousand seven hundred but fewer than twenty-nine
10 thousand eight hundred inhabitants and which entirely encompasses a city of the
11 fourth classification with more than one thousand one hundred but fewer than one
12 thousand two hundred inhabitants; or
13 (2) Has an average daily attendance between six hundred and six hundred
14 thirty during the 2004-2005 school year, located at least partially in any county
15 of the second classification with more than fifty-five thousand six hundred but
16 fewer than fifty-five thousand seven hundred inhabitants; or
17 (3) Has an average daily attendance between four hundred sixty and four
18 hundred ninety during the 2004-2005 school year, located at least partially in any
19 county of the third classification without a township form of government and
20 with more than twenty-three thousand two hundred fifty but fewer than
21 twenty-three thousand three hundred fifty inhabitants; or
22 (4) Has an average daily attendance between one thousand four hundred
23 and one thousand five hundred during the 2004-2005 school year and is located
24 entirely within a county of the third classification without a township form of
25 government and with more than twenty thousand but fewer than twenty thousand
26 one hundred inhabitants.
2. The provisions of this section shall terminate on July 1, 2007.]

EXPLANATION: This section expired on 07-01-07.

2 [192.632. 1. There is hereby created a "Chronic Kidney Disease Task
3 Force". Unless otherwise stated, members shall be appointed by the director of
4 the department of health and senior services and shall include, but not be limited
5 to, the following members:
6 (1) Two physicians appointed from lists submitted by the Missouri state
7 medical association;
(2) Two nephrologists;

- 8 (3) Two family physicians;
9 (4) Two pathologists;
10 (5) One member who represents owners or operators of clinical
11 laboratories in the state;
12 (6) One member who represents a private renal care provider;
13 (7) One member who has a chronic kidney disease;
14 (8) One member who represents the state affiliate of the National Kidney
15 Foundation;
16 (9) One member who represents the Missouri kidney program;
17 (10) Two members of the house of representatives appointed by the
18 speaker of the house;
19 (11) Two members of the senate appointed by the president pro tem of
20 the senate;
21 (12) Additional members may be chosen to represent public health
22 clinics, community health centers, and private health insurers.
23 2. A chairperson and vice chairperson shall be elected by the members
24 of the task force.
25 3. The chronic kidney disease task force shall:
26 (1) Develop a plan to educate the public and health care professionals
27 about the advantages and methods of early screening, diagnosis, and treatment
28 of chronic kidney disease and its complications based on kidney disease
29 outcomes, quality initiative clinical practice guidelines for chronic kidney
30 disease, or other medically recognized clinical practice guidelines;
31 (2) Make recommendations on the implementation of a cost-effective
32 plan for early screening, diagnosis, and treatment of chronic kidney disease for
33 the state's population;
34 (3) Identify barriers to adoption of best practices and potential public
35 policy options to address such barriers;
36 (4) Submit a report of its findings and recommendations to the general
37 assembly by August 30, 2008.
38 4. The department of health and senior services shall provide all
39 necessary staff, research, and meeting facilities for the chronic kidney disease
40 task force.
41 5. The provisions of this section shall expire August 30, 2008.]

EXPLANATION: This section expired August 30, 2008.

- 2 [208.344. 1. By December 1, 2002, and annually thereafter, the division
3 of family services shall submit a report to the governor, the president pro tempore
4 of the senate, and the speaker of the house of representatives regarding the
5 progress of welfare reform in Missouri. The report shall include, but not be
limited to, current statistics and recommendations regarding:

- 6 (1) Individuals who have successfully left welfare and employment of
7 such individuals;
8 (2) Individuals who remain on or have returned to welfare; and
9 (3) Benefits of welfare reform realized by families, employers, and the
10 state.
11 2. The provisions of this section shall expire on December 31, 2007.]

EXPLANATION: This section expired on 12-31-07.

- 2 [208.978. 1. The MO HealthNet oversight committee shall develop and
3 report upon recommendations to be delivered to the governor and general
4 assembly relating to the expenditure of funds appropriated to the health care
5 technology fund established under section 208.975.
6 2. Recommendations from the committee shall include an analysis and
7 review, including but not limited to the following:
8 (1) Reviewing the current status of health care information technology
9 adoption by the health care delivery system in Missouri;
10 (2) Addressing the potential technical, scientific, economic, security,
11 privacy, and other issues related to the adoption of interoperable health care
12 information technology in Missouri;
13 (3) Evaluating the cost of using interoperable health care information
14 technology by the health care delivery system in Missouri;
15 (4) Identifying private resources and public/private partnerships to fund
16 efforts to adopt interoperable health care information technology;
17 (5) Exploring the use of telemedicine as a vehicle to improve health care
18 access to Missourians;
19 (6) Identifying methods and requirements for ensuring that not less than
20 ten percent of appropriations within a single fiscal year shall be directed toward
21 the purpose of expanding and developing minority-owned businesses that deliver
22 technological enhancements to health care delivery systems and networks;
23 (7) Developing requirements to be recommended to the general assembly
24 that ensure not more than twenty-five percent of appropriations from the health
25 care technology fund in any fiscal year shall be contractually awarded to a single
26 entity;
27 (8) Developing requirements to be recommended to the general assembly
28 that ensure the number of contractual awards provided from the health care
29 technology fund shall not be fewer than the number of congressional districts
30 within Missouri; and
31 (9) Recommending best practices or policies for state government and
32 private entities to promote the adoption of interoperable health care information
33 technology by the Missouri health care delivery system.
34 3. The committee shall make and report its recommendations to the
governor and general assembly on or before January 1, 2008.

35 4. This section shall expire on April 15, 2008.]

EXPLANATION: This section expired on 04-15-08.

2 [211.013. The office of state courts administrator shall conduct a study
3 and report to the general assembly by June 30, 2009, on the impact of changing
4 the definition of child, as used in section 211.031, to include any person over
5 seventeen years of age but not yet eighteen years of age alleged to have
6 committed a status offense as defined in subdivision (2) of subsection 1 of
7 section 211.031. The report shall contain information regarding the impact on
8 caseloads of juvenile officers, including the average increase in caseload per
9 juvenile officer for each judicial circuit, and the number of children affected by
 the change in definition.]

EXPLANATION: The study required under this section was due 06-30-09.

2 [217.860. 1. There is hereby created within the department of corrections
3 a "Task Force on Alternative Sentencing". The primary duty of the task force is
4 to develop a statewide plan for alternative sentencing programs. The plan shall
5 include, but not be limited to, the following:
6 (1) Public-private partnerships;
7 (2) Job training;
8 (3) Job placement;
9 (4) Conflict resolution treatment; and
10 (5) Alcohol and drug rehabilitation.
11 2. In developing this statewide plan the task force shall at a minimum
12 acquire and review the following information:
13 (1) The cost per year to incarcerate one offender;
14 (2) The cost of the proposed alternative sentencing program or programs
15 per year;
16 (3) The recidivism rate for different types of offenses; and
17 (4) Information and research to assist the task force in determining which
18 classes of offenders should be targeted in alternative sentencing programs.
19 3. The task force created in this section shall be comprised of the
20 following members or their designees from the entity represented:
21 (1) The director;
22 (2) The director of the division of probation and parole;
23 (3) Two probation and parole officers or supervisors, who shall be
24 appointed by the director of the division of probation and parole;
25 (4) One member of the department of economic development's workforce
26 development office who shall be appointed by the director of the department of
 economic development;

- 27 (5) Two circuit or associate circuit judges who shall be appointed by the
28 governor;
- 29 (6) Two chief executive officers of two different private businesses that
30 employ a minimum of twenty employees each who shall be appointed by the
31 governor;
- 32 (7) Two prosecuting attorneys who shall be appointed by the governor;
- 33 (8) Two members of the house of representatives, one of whom shall be
34 appointed by the speaker of the house and one of whom shall be appointed by the
35 house minority leader; and
- 36 (9) Two members of the senate, one of whom shall be appointed by the
37 president pro tem of the senate and one of whom shall be appointed by the senate
38 minority leader.
- 39 4. The task force shall meet at least quarterly and shall submit its
40 recommendations and statewide plan for an alternative sentencing program or
41 programs to the governor, to the general assembly, and to the director by
42 December 31, 2006.
- 43 5. Members of the task force shall receive no additional compensation
44 but shall be eligible for reimbursement for mileage directly related to the
45 performance of task force duties.
- 46 6. The provisions of this section terminate on May 31, 2007.]

EXPLANATION: This section expired on 05-31-07.

2 [303.400. The provisions of sections 303.400 to 303.415 shall be known
3 as the "Motorist Insurance Identification Database Act".]

2 [303.403. As used in sections 303.400 to 303.415, the following terms
3 mean:

- 3 (1) "Database", the motorist insurance identification database;
- 4 (2) "Department", the department of revenue;
- 5 (3) "Designated agent", the party with which the department contracts to
6 implement the motorist insurance identification database;
- 7 (4) "Program", the motorist insurance identification database program.]
- 8

2 [303.406. 1. The "Motorist Insurance Identification Database" is hereby
3 created for the purpose of establishing a database to use to verify compliance
4 with the motor vehicle financial responsibility requirements of this chapter. The
5 program shall be administered by the department and shall receive funding from
6 the "Motorist Insurance Identification Database Fund", which is hereby created
7 in the state treasury. Effective July 1, 2002, the state treasurer shall credit to and
8 deposit in the motorist insurance identification database fund six percent of the
9 net general revenue portion received from collections of the insurance premiums
tax levied and collected pursuant to sections 148.310 to 148.461, RSMo.

10 2. To implement the program, the department may by July 1, 2002,
11 contract with a designated agent which shall monitor compliance with the motor
12 vehicle financial responsibility requirements of this chapter, except that the
13 program shall not be implemented to notify owners of registered motor vehicles
14 until the department certifies that the accuracy rate of the program exceeds
15 ninety-five percent in correctly identifying owners of registered motor vehicles
16 as having maintained or failed to maintain financial responsibility. After the
17 department has entered into a contract with a designated agent, the department
18 shall convene a working group for the purpose of facilitating the implementation
19 of the program.

20 3. The designated agent, using its own computer network, shall, no later
21 than December 31, 2002, develop, deliver and maintain a computer database with
22 information provided by:

23 (1) Insurers, pursuant to sections 303.400 to 303.415; except that, any
24 person who qualifies as self-insured pursuant to this chapter, or provides proof
25 of insurance to the director pursuant to the provisions of section 303.160, shall
26 not be required to provide information to the designated agent, but the state shall
27 supply these records to the designated agent for inclusion in the database; and

28 (2) The department, which shall provide the designated agent with the
29 name, date of birth and address of all persons in its computer database, and the
30 make, year and vehicle identification number of all registered motor vehicles.

31 4. The department shall establish guidelines for the designated agent's
32 development of the computer database so the database can be easily accessed by
33 state and local law enforcement agencies within procedures already established,
34 and shall not require additional computer keystrokes or other additional
35 procedures by dispatch or law enforcement personnel. Once the database is
36 operational, the designated agent shall, at least monthly, update the database with
37 information provided by insurers and the department, and compare then-current
38 motor vehicle registrations against the database.

39 5. Information provided to the designated agent by insurers and the
40 department for inclusion in the database established pursuant to this section is the
41 property of the insurer or the department, as the case may be, and is not subject
42 to disclosure pursuant to chapter 610, RSMo. Such information may not be
43 disclosed except as follows:

44 (1) The designated agent shall verify a person's insurance coverage upon
45 request by any state or local government agency investigating, litigating or
46 enforcing such person's compliance with the motor vehicle financial
47 responsibility requirements of this chapter;

48 (2) The department shall disclose whether an individual is maintaining
49 the required insurance coverage upon request of the following individuals and
50 agencies only:

51 (a) The individual;

(b) The parent or legal guardian of an individual if the individual is an unemancipated minor;

(c) The legal guardian of the individual if the individual is legally incapacitated;

(d) Any person who has power of attorney from the individual;

(e) Any person who submits a notarized release from the individual that is dated no more than ninety days before the request is made;

(f) Any person claiming loss or injury in a motor vehicle accident in which the individual is involved;

(g) The office of the state auditor, for the purpose of conducting any audit authorized by law.

6. Any person or agency who knowingly discloses information from the database for any purpose, or to a person, other than those authorized in this section is guilty of a class A misdemeanor. The state shall not be liable to any person for gathering, managing or using information in the database pursuant to this section. The designated agent shall not be liable to any person for performing its duties pursuant to this section unless and to the extent such agent commits a willful and wanton act or omission or is negligent. The designated agent shall be liable to any insurer damaged by the designated agent's negligent failure to protect the confidentiality of the information and data disclosed by the insurer to the designated agent. The designated agent shall provide to this state an errors and omissions insurance policy covering such agent in an appropriate amount. No insurer shall be liable to any person for performing its duties pursuant to this section unless and to the extent the insurer commits a willful and wanton act of omission.

7. The department shall review the operation and performance of the motorist insurance identification database program to determine whether the number of uninsured motorists has declined during the first three years following implementation and shall submit a report of its findings to the general assembly no later than January fifteenth of the year following the third complete year of implementation. The department shall make copies of its report available to each member of the general assembly.

8. This section shall not supersede other actions or penalties that may be taken or imposed for violation of the motor vehicle financial responsibility requirements of this chapter.

9. The working group as provided for in subsection 2 of this section shall consist of representatives from the insurance industry, department of insurance, financial institutions and professional registration, department of public safety and the department of revenue. The director of revenue, after consultation with the working group, shall promulgate any rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.]

2 [303.409. 1. If the motorist insurance identification database indicates
3 the owner of a registered motor vehicle has, regardless of the owner's operation
4 of such motor vehicle, failed to maintain the financial responsibility required in
5 section 303.025 for two consecutive months, the designated agent shall on behalf
6 of the director inform the owner that the director will suspend the owner's vehicle
7 registration if the owner does not present proof of insurance as prescribed by the
8 director within thirty days from the date of mailing. The designated agent shall
9 not select owners of fleet or rental vehicles or vehicles that are insured pursuant
10 to a commercial line policy for notification to determine motor vehicle liability
11 coverage. The director may prescribe rules and regulations necessary for the
12 implementation of this subsection. The notice issued to the vehicle owner by the
13 designated agent shall be sent to the last known address shown on the
14 department's records. The notice is deemed received three days after mailing.
15 The notice of suspension shall clearly specify the reason and statutory grounds
16 for the suspension and the effective date of the suspension, the right of the person
17 to request a hearing, the procedure for requesting a hearing and the date by which
18 that request for a hearing must be made. The suspension shall become effective
19 thirty days after the subject person is deemed to have received the notice of
20 suspension by first class mail as provided in section 303.041. If the request for
21 a hearing is received prior to the effective date of the suspension, the effective
22 date of the suspension will be stayed until a final order is issued following the
23 hearing; however, any delay in the hearing which is caused or requested by the
24 subject person or counsel representing that person without good cause shown
25 shall not result in a stay of the suspension during the period of delay.

26 2. Neither the fact that, subsequent to the date of verification, the owner
27 acquired the required liability insurance policy nor the fact that the owner
28 terminated ownership of the motor vehicle shall have any bearing upon the
29 director's decision to suspend. The suspension shall remain in force until
30 termination despite the renewal of registration or acquisition of a new registration
31 for the motor vehicle. The suspension shall also apply to any motor vehicle to
32 which the owner transfers the registration.

33 3. Upon receipt of notification from the designated agent, the director
34 shall suspend the owner's vehicle registration effective immediately. The
35 suspension period shall be as follows:

36 (1) If the person's record shows no prior violation, the director shall
37 terminate the suspension upon payment of a reinstatement fee of twenty dollars
38 and submission of proof of insurance, as prescribed by the director;

39 (2) If the person's record shows one prior violation for failure to maintain
40 financial responsibility within the immediately preceding two years, the director
41 shall terminate the suspension ninety days after its effective date upon payment
42 of a reinstatement fee of two hundred dollars and submission of proof of
insurance, as prescribed by the director;

43 (3) If the person's record shows two or more prior violations for failure
44 to maintain financial responsibility, the period of suspension shall terminate one
45 year after its effective date upon payment of a reinstatement fee of four hundred
46 dollars and submission of proof of insurance, as prescribed by the director.

47 4. In the event that proof of insurance as prescribed by the director has
48 not been filed with the department of revenue in accordance with this chapter
49 prior to the end of the period of suspension provided in this section, such period
50 of suspension shall be extended until such proof of insurance has been filed. In
51 no event shall filing proof of insurance reduce any period of suspension. If proof
52 of insurance is not maintained during the three-year period following the
53 reinstatement or termination of the suspension, the director shall again suspend
54 the license and motor vehicle registration until proof of insurance is filed or the
55 three-year period has elapsed. In no event shall filing proof of insurance reduce
56 any period of suspension.

57 5. Notwithstanding the provisions of subsection 1 of this section, the
58 director shall not suspend the registration or registrations of any owner who
59 establishes to the satisfaction of the director that the owner's motor vehicle was
60 inoperable or being stored and not operated on the date proof of financial
61 responsibility is required by the director.]
62

2 [303.412. 1. Beginning March 1, 2003, before the seventh working date
3 of each calendar month, all licensed insurance companies in this state shall
4 provide to the designated agent a record of all policies in effect on the last day of
5 the preceding month. This subsection shall not prohibit more frequent reporting.

6 2. The record pursuant to subsection 1 of this section shall include the
7 following:

8 (1) The name, date of birth, driver's license number and address of each
9 insured;

10 (2) The make, year and vehicle identification number of each insured
11 motor vehicle;

12 (3) The policy number and effective date of the policy.

13 3. The department of revenue shall notify the department of insurance,
14 financial institutions and professional registration of any insurer who violates any
15 provisions of this act. The department of insurance, financial institutions and
16 professional registration may, against any insurer who fails to comply with this
17 section, assess a fine not greater than one thousand dollars per day of
18 noncompliance. The department of revenue may assess a fine not greater than
19 one thousand dollars per day against the designated agent for failure to complete
20 the project by the dates designated in sections 303.400 to 303.415 unless the
21 delay is deemed beyond the control of the designated agent or the designated
22 agent provides acceptable proof that such a noncompliance was inadvertent,
23 accidental or the result of excusable neglect. The department of insurance,
financial institutions and professional registration shall excuse the fine against

24 any insurer if an assessed insurer provides acceptable proof that such insurer's
25 noncompliance was inadvertent, accidental or the result of excusable neglect.]
26

2 [303.415. 1. Sections 303.400 and 303.403 shall become effective on
July 1, 2002, and shall expire on June 30, 2007.

3 2. The enactment of section 303.025, and the repeal and reenactment of
4 sections 303.406, 303.409, 303.412 and 303.415 shall become effective July 1,
5 2002 and sections 303.406, 303.409 and 303.412 shall expire on June 30, 2007.]

EXPLANATION: Sections 303.400 to 303.415 expired 06-30-07.

2 [307.367. Prior to September 1, 2007, but no earlier than August 1, 2007,
all moneys held in the Missouri air pollution control fund established under
3 section 307.366 shall be transferred, as deemed necessary by the state treasurer
4 and commissioner of administration, to the Missouri air emission reduction fund
5 established in section 643.350, RSMo, to be used for the purposes of
6 administering and enforcing the provisions of sections 643.300 to 643.355,
7 RSMo. Prior to such date, any of the moneys in the Missouri air pollution
8 control fund that are needed to pay any outstanding debt of the Missouri air
9 pollution control fund, as determined by the state treasurer, shall be exempted
10 from the provisions of this section. The Missouri air pollution control fund shall
11 be officially abolished on September 1, 2007.]

EXPLANATION: The fund in this section was officially abolished on 09-01-07.

2 [374.208. The director shall study and recommend to the general
assembly changes to avoid unnecessary duplication of market conduct activities
3 and to implement uniform processes and procedures for market analysis and
4 market conduct examinations which will more effectively utilize resources to
5 protect insurance consumers. The study shall be completed and
6 recommendations provided by January 1, 2008.]

EXPLANATION: The study required under this section was due on 01-01-08.

2 [376.671. 1. This section shall not apply to any reinsurance, group
annuity purchased under a retirement plan or plan of deferred compensation
3 established or maintained by an employer (including a partnership or sole
4 proprietorship) or by an employee organization, or by both, other than a plan
5 providing individual retirement accounts or individual retirement annuities under
6 Section 408 of the Internal Revenue Code, as now or hereafter amended,
7 premium deposit fund, variable annuity, investment annuity, immediate annuity,
8 any deferred annuity contract after annuity payments have commenced, or

9 reversionary annuity, nor to any contract which shall be delivered outside this
10 state through an agent or other representative of the company issuing the contract.

11 2. In the case of contracts issued on or after the operative date of this
12 section as defined in subsection 11 of this section, no contract of annuity, except
13 as stated in subsection 1 of this section, shall be delivered or issued for delivery
14 in this state unless it contains in substance the following provisions, or
15 corresponding provisions which in the opinion of the director are at least as
16 favorable to the contractholder, upon cessation of payment of considerations
17 under the contract:

18 (1) That upon cessation of payment of considerations under a contract,
19 the company will grant a paid-up annuity benefit on a plan stipulated in the
20 contract of such value as is specified in subsections 4, 5, 6, 7, and 9 of this
21 section;

22 (2) If a contract provides for a lump sum settlement at maturity, or at any
23 other time, that upon surrender of the contract at or prior to the commencement
24 of any annuity payments, the company will pay in lieu of any paid-up annuity
25 benefit a cash surrender benefit of such amount as is specified in subsections 4,
26 5, 7, and 9 of this section. The company shall reserve the right to defer the
27 payment of such cash surrender benefit for a period of six months after demand
28 therefor with surrender of the contract;

29 (3) A statement of the mortality table, if any, and interest rates used in
30 calculating any minimum paid-up annuity, cash surrender or death benefits that
31 are guaranteed under the contract, together with sufficient information to
32 determine the amounts of such benefits;

33 (4) A statement that any paid-up annuity, cash surrender or death benefits
34 that may be available under the contract are not less than the minimum benefits
35 required by any statute of the state in which the contract is delivered and an
36 explanation of the manner in which such benefits are altered by the existence of
37 any additional amounts credited by the company to the contract, any indebtedness
38 to the company on the contract or any prior withdrawals from or partial
39 surrenders of the contract. Notwithstanding the requirements of this section, any
40 deferred annuity contract may provide that if no considerations have been
41 received under a contract for a period of two full years and the portion of the
42 paid-up annuity benefit at maturity on the plan stipulated in the contract arising
43 from considerations paid prior to such period would be less than twenty dollars
44 monthly, the company may at its option terminate such contract by payment in
45 cash of the then present value of such portion of the paid-up annuity benefit,
46 calculated on the basis of the mortality table, if any, and interest rate specified in
47 the contract for determining the paid-up annuity benefit, and by such payment
48 shall be relieved of any further obligation under such contract.

49 3. The minimum values as specified in subsections 4, 5, 6, 7, and 9 of
50 this section of any paid-up annuity, cash surrender or death benefits available

51 under an annuity contract shall be based upon minimum nonforfeiture amounts
52 as defined in this section.

53 (1) With respect to contracts providing for flexible considerations, the
54 minimum nonforfeiture amount at any time at or prior to the commencement of
55 any annuity payment shall be equal to an accumulation up to such time at a rate
56 of interest of three percent per annum of percentages of the net considerations (as
57 hereinafter defined) paid prior to such time, decreased by the sum of:

58 (a) Any prior withdrawals from or partial surrenders of the contract
59 accumulated at a rate of interest of three percent per annum; and

60 (b) The amount of any indebtedness to the company on the contract,
61 including interest due and accrued and increased by any existing additional
62 amounts credited by the company to the contract. The net considerations for a
63 given contract year used to define the minimum nonforfeiture amount shall be an
64 amount not less than zero and shall be equal to the corresponding gross
65 considerations credited to the contract during that contract year less an annual
66 contract charge of thirty dollars and less a collection charge of one dollar and
67 twenty-five cents per consideration credited to the contract during that contract
68 year. The percentages of net considerations shall be sixty-five percent of the net
69 consideration for the first contract year and eighty-seven and one-half percent of
70 the net considerations for the second and later contract years. Notwithstanding
71 the provisions of the preceding sentence, the percentage shall be sixty-five
72 percent of the portion of the total net consideration for any renewal contract year
73 which exceeds by not more than two times the sum of those portions of the net
74 considerations in all prior contract years for which the percentage was sixty-five
75 percent;

76 (2) With respect to contracts providing for fixed scheduled
77 considerations, minimum nonforfeiture amounts shall be calculated on the
78 assumption that considerations are paid annually in advance and shall be defined
79 as for contracts with flexible considerations which are paid annually with two
80 exceptions:

81 (a) The portion of the net consideration for the first contract year to be
82 accumulated shall be the sum of sixty-five percent of the net consideration for the
83 first contract year plus twenty-two and one-half percent of the excess of the net
84 consideration for the first contract year over the lesser of the net considerations
85 for the second and third contract years;

86 (b) The annual contract charge shall be the lesser of thirty dollars or ten
87 percent of the gross annual consideration;

88 (3) With respect to contracts providing for a single consideration,
89 minimum nonforfeiture amounts shall be defined as for contracts with flexible
90 considerations except that the percentage of net consideration used to determine
91 the minimum nonforfeiture amount shall be equal to ninety percent, and the net
92 consideration shall be the gross consideration less a contract charge of
93 seventy-five dollars;

94 (4) Notwithstanding any other provision of this subsection, for any
95 contract issued on or after July 1, 2002, and before July 1, 2006, the interest rate
96 at which net considerations, prior withdrawals, and partial surrenders shall be
97 accumulated, for the purpose of determining minimum nonforfeiture amounts,
98 shall be one and one-half percent per annum.

99 4. Any paid-up annuity benefit available under a contract shall be such
100 that its present value on the date annuity payments are to commence is at least
101 equal to the minimum nonforfeiture amount on that date. Such present value
102 shall be computed using the mortality table, if any, and the interest rate specified
103 in the contract for determining the minimum paid-up annuity benefits guaranteed
104 in the contract.

105 5. For contracts which provide cash surrender benefits, such cash
106 surrender benefits available prior to maturity shall not be less than the present
107 value as of the date of surrender of that portion of the maturity value of the
108 paid-up annuity benefit which would be provided under the contract at maturity
109 arising from considerations paid prior to the time of cash surrender reduced by
110 the amount appropriate to reflect any prior withdrawals from or partial surrenders
111 of the contract, such present value being calculated on the basis of an interest rate
112 not more than one percent higher than the interest rate specified in the contract
113 for accumulating the net considerations to determine such maturity value,
114 decreased by the amount of any indebtedness to the company on the contract,
115 including interest due and accrued, and increased by any existing additional
116 amounts credited by the company to the contract. In no event shall any cash
117 surrender benefit be less than the minimum nonforfeiture amount at that time.
118 The death benefit under such contracts shall be at least equal to the cash
119 surrender benefit.

120 6. For contracts which do not provide cash surrender benefits, the present
121 value of any paid-up annuity benefit available as a nonforfeiture option at any
122 time prior to maturity shall not be less than the present value of that portion of the
123 maturity value of the paid-up annuity benefit provided under the contract arising
124 from considerations paid prior to the time the contract is surrendered in exchange
125 for, or changed to, a deferred paid-up annuity, such present value being calculated
126 for the period prior to the maturity date on the basis of the interest rate specified
127 in the contract for accumulating the net considerations to determine such maturity
128 value, and increased by any existing additional amounts credited by the company
129 to the contract. For contracts which do not provide any death benefits prior to the
130 commencement of any annuity payments, such present values shall be calculated
131 on the basis of such interest rate and the mortality table specified in the contract
132 for determining the maturity value of the paid-up annuity benefit. However, in
133 no event shall the present value of a paid-up annuity benefit be less than the
134 minimum nonforfeiture amount at that time.

135 7. For the purpose of determining the benefits calculated under
136 subsections 5 and 6 of this section, in the case of annuity contracts under which

an election may be made to have annuity payments commence at optional maturity date, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

8. Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

9. Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

10. For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections 4, 5, 6, 7, and 9 of this section, additional benefits payable in the event of total and permanent disability, as reversionary annuity or deferred reversionary annuity benefits, or as other policy benefits additional to life insurance, endowment and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

11. After September 28, 1979, any company may file with the director a written notice of its election to comply with the provisions of this section after a specified date before September 28, 1981. After the filing of such notice, then upon such specified date, which shall be the operative date of this section for such company, this section shall become operative with respect to annuity contracts thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be September 28, 1981.

12. The provisions of this section shall expire on July 1, 2006.]

EXPLANATION: This section expired 07-01-06.

2 [376.990. The board of directors of the state health insurance pool is
3 hereby directed to conduct a study regarding the financing of the state health
4 insurance pool. Such study shall include, but not be limited to, research and
5 findings of how other states finance their state high-risk pools. The study shall
6 consider alternative assessment approaches to the current assessment method
7 employed in section 376.975. In addition to studying alternative financing
8 mechanisms employed by other state high-risk pools, the board shall explore the
9 ramifications of eliminating or reducing a carrier's ability to offset their
10 assessments against their premium tax liability. The polestar of the study shall
11 be establishing a stable funding source for the Missouri state health insurance
12 pool while providing adequate health insurance coverage to Missouri's
13 uninsurable population. The board of directors of the state health insurance pool
14 shall submit a report of its findings and recommendations to each member of the
 general assembly no later than January 1, 2008.]

EXPLANATION: The study required under this section was due 12-31-08.

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