

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1516
95TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, April 28, 2010, with recommendation that the Senate Committee Substitute do pass.

4090S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 21.840, 57.080, 57.130, 71.970, 99.799, 143.171, 165.016, 165.018, 174.020, 192.632, 197.305, 197.318, 197.366, 208.344, 208.978, 211.013, 217.860, 307.367, 329.028, 374.208, 376.990, and 620.515, RSMo, and to enact in lieu thereof eight 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, 57.080, 57.130, 71.970, 99.799, 143.171, 165.016, 165.018, 174.020, 192.632, 197.305, 197.318, 197.366, 208.344, 208.978, 211.013, 217.860, 307.367, 329.028, 374.208, 376.990, and 620.515, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 57.080, 143.171, 174.020, 197.305, 197.318, 197.366, 329.028, and 620.515, to read as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

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

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

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

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

143.171. 1. [For all tax years beginning before January 1, 1994, for an
2 individual taxpayer and for all tax years beginning before September 1, 1993, for
3 a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal
4 income tax liability under chapter 1 of the Internal Revenue Code for the same
5 taxable year for which the Missouri return is being filed after reduction for all
6 credits thereon, except the credit for payments of federal estimated tax, the credit
7 for the overpayment of any federal tax, and the credits allowed by the Internal
8 Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign
9 country and United States possessions), and section 34 (tax on certain uses of
10 gasoline, special fuels, and lubricating oils).

11 2.] For all tax years beginning on or after January 1, 1994, an individual
12 taxpayer shall be allowed a deduction for his federal income tax liability under
13 chapter 1 of the Internal Revenue Code for the same taxable year for which the
14 Missouri return is being filed, not to exceed five thousand dollars on a single
15 taxpayer's return or ten thousand dollars on a combined return, after reduction
16 for all credits thereon, except the credit for payments of federal estimated tax, the
17 credit for the overpayment of any federal tax, and the credits allowed by the
18 Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of

19 foreign country and United States possessions), and section 34 (tax on certain
20 uses of gasoline, special fuels, and lubricating oils).

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

30 [4.] 3. If a federal income tax liability for a tax year prior to the
31 applicability of sections 143.011 to 143.996 for which he was not previously
32 entitled to a Missouri deduction is later paid or accrued, he may deduct the
33 federal tax in the later year to the extent it would have been deductible if paid
34 or accrued in the prior year.

35 EXPLANATION: Subsection 1 of this section applies only to tax years prior to
36 1994.

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

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

18 3. Any costs incurred with respect to modifications of the names of the

19 state colleges and universities specified in subsection 1 of this section shall not
20 be paid from state funds.

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

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

32 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
2 mean:

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

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

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

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

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

19 (6) "Expenditure minimum" shall mean:

20 (a) For beds in existing or proposed health care facilities licensed
21 pursuant to chapter 198, RSMo, and long-term care beds in a hospital as
22 described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred

23 thousand dollars in the case of capital expenditures, or four hundred thousand
24 dollars in the case of major medical equipment, provided, however, that prior to
25 January 1, 2003, the expenditure minimum for beds in such a facility and
26 long-term care beds in a hospital described in section 198.012, RSMo, shall be
27 zero, subject to the provisions of subsection 7 of section 197.318;

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

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

35 (7) ["Health care facilities", hospitals, health maintenance organizations,
36 tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled
37 nursing facilities, residential care facilities and assisted living facilities, kidney
38 disease treatment centers, including freestanding hemodialysis units, diagnostic
39 imaging centers, radiation therapy centers and ambulatory surgical facilities, but
40 excluding the private offices of physicians, dentists and other practitioners of the
41 healing arts, and Christian Science sanatoriums, also known as Christian Science
42 Nursing facilities listed and certified by the Commission for Accreditation of
43 Christian Science Nursing Organization/Facilities, Inc., and facilities of
44 not-for-profit corporations in existence on October 1, 1980, subject either to the
45 provisions and regulations of Section 302 of the Labor-Management Relations Act,
46 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C.
47 401-538, and any residential care facility or assisted living facility operated by
48 a religious organization qualified pursuant to Section 501(c)(3) of the federal
49 Internal Revenue Code, as amended, which does not require the expenditure of
50 public funds for purchase or operation, with a total licensed bed capacity of one
51 hundred beds or fewer;

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

56 [(9)] (8) "Major medical equipment", medical equipment used for the
57 provision of medical and other health services;

58 [(10)] (9) "New institutional health service":

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

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

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

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

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

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

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

79 [(11)] (10) "Nonsubstantive projects", projects which do not involve the
80 addition, replacement, modernization or conversion of beds or the provision of a
81 new health service but which include a capital expenditure which exceeds the
82 expenditure minimum and are due to an act of God or a normal consequence of
83 maintaining health care services, facility or equipment;

84 [(12)] (11) "Person", any individual, trust, estate, partnership,
85 corporation, including associations and joint stock companies, state or political
86 subdivision or instrumentality thereof, including a municipal corporation;

87 [(13)] (12) "Predevelopment activities", expenditures for architectural
88 designs, plans, working drawings and specifications, and any arrangement or
89 commitment made for financing; but excluding submission of an application for
90 a certificate of need.

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

197.318. 1. The provisions of section 197.317 shall not apply to a

2 residential care facility, assisted living facility, intermediate care facility or
3 skilled nursing facility only where the department of social services has first
4 determined that there presently exists a need for additional beds of that
5 classification because the average occupancy of all licensed and available
6 residential care facility, assisted living facility, intermediate care facility and
7 skilled nursing facility beds exceeds ninety percent for at least four consecutive
8 calendar quarters, in a particular county, and within a fifteen-mile radius of the
9 proposed facility, and the facility otherwise appears to qualify for a certificate of
10 need. The department's certification that there is no need for additional beds
11 shall serve as the final determination and decision of the committee. In
12 determining ninety percent occupancy, residential care facility and assisted living
13 facility shall be one separate classification and intermediate care and skilled
14 nursing facilities are another separate classification.

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

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

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

24 [5.] 4. The provisions of section 197.317 shall not apply to any facility
25 where at least ninety-five percent of the patients require diets meeting the
26 dietary standards defined by section 196.165, RSMo.

27 [6.] 5. The committee shall review all letters of intent and applications
28 for long-term care hospital beds meeting the requirements described in 42 CFR,
29 Section 412.23(e) under its criteria and standards for long-term care beds.

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

35 [8.] 7. Notwithstanding any other provision of this chapter to the
36 contrary:

37 (1) A facility licensed pursuant to chapter 198, RSMo, may increase its

38 licensed bed capacity by:

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

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

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

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

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

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

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

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

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

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

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

72 (3) The beds purchased shall, for two years from the date of purchase,
73 remain in the bed inventory attributed to the selling facility and be considered

74 by the department of social services as licensed and available for purposes of this
75 section;

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

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

87 [9.] 8. Any existing licensed and operating health care facility offering
88 long-term care services may replace one-half of its licensed beds at the same site
89 or a site not more than thirty miles from its current location if, for at least the
90 most recent four consecutive calendar quarters, the facility operates only fifty
91 percent of its then licensed capacity with every resident residing in a private
92 room. In such case:

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

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

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

104 [10.] 9. Nothing in this section shall prohibit a health care facility
105 licensed pursuant to chapter 198, RSMo, from being replaced in its entirety
106 within fifteen miles of its existing site so long as the existing facility and
107 proposed or replacement facility have the same owner or owners regardless of
108 corporate or business structure and the health care facility being replaced
109 remains unlicensed and unused for any long-term care services whether they do

110 or do not require a license from the date of licensure of the replacement facility.

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

197.366. The [provisions of subdivision (8) of section 197.305 to the
2 contrary notwithstanding, after December 31, 2001, the] term "health care
3 facilities" in sections 197.300 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
6 subsection 1 of section 198.012, RSMo;

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

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

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

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

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

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

24 state board of cosmetology fund shall be abolished when all moneys are
25 transferred to the board of cosmetology and barber examiners fund.]

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

620.515. 1. This section shall be known and may be cited as the "Hero at
2 Home" program, the purpose of which is to:

3 (1) Assist the spouse of an active duty national guard or reserve
4 component service member reservist to address immediate needs and employment
5 in an attempt to keep the family from falling into poverty while the primary
6 income earner is on active duty, and during the one-year period following
7 discharge from deployment; and

8 (2) Assist returning national guard troops or reserve component service
9 member reservists with finding work in situations where an individual needs to
10 rebuild business clientele or where an individual's job has been eliminated while
11 such individual was deployed, or where the individual otherwise cannot return
12 to his or her previous employment.

13 2. Subject to appropriation, the department of economic development shall
14 operate the hero at home program through existing programs or by entering into
15 a contract with qualified providers through local workforce investment
16 boards. Eligibility for the program shall be based on the following criteria:

17 (1) Eligible participants in the program shall be those families where:

18 (a) The primary income earner was called to active duty in defense of the
19 United States for a period of more than four months;

20 (b) The family's primary income is no longer available;

21 (c) The family is experiencing significant hardship due to financial
22 burdens; and

23 (d) The family has no outside resources available to assist with such
24 hardships;

25 (2) Services that may be provided to the family will be aimed at
26 ameliorating the immediate crisis and providing a path for economic stability
27 while the primary income is not available due to the active military
28 commitment. Services shall be made available up to one year following discharge
29 from deployment. Services may include, but not be limited to the following:

30 (a) Financial assistance to families facing financial crisis from overdue
31 bills due to reduced income after the deployment of a spouse;

32 (b) Help paying day care costs to pursue training and or employment;

33 (c) Help covering the costs of transportation to training and or
34 employment;

35 (d) Vocational evaluation and vocational counseling to help the individual
36 choose a visible employment goal;

37 (e) Vocational training to acquire or upgrade skills needed to be
38 marketable in the workforce;

39 (f) Paid internships and subsidized employment to train on the job; and

40 (g) Job placement assistance for those who don't require skills training;

41 (3) The department shall ensure the eligible providers are:

42 (a) Community-based not-for-profit agencies which have significant
43 experience in job training, placement, and social services;

44 (b) Providers with extensive experience providing such services to
45 veterans and implementing contracts with veteran organizations such as the
46 department of veteran affairs;

47 (c) Providers which have attained the distinction of being accredited
48 through a national accreditation body for training and or human services;

49 (d) Providers which are able to provide a twenty percent match to the
50 program either through indirect or direct expenditures; and

51 (e) Providers with experience in the regions targeted for the program.

52 3. The department shall structure any contract such that payment will be
53 based on delivering the services described in this section as well as performance
54 to guarantee the greatest possible effectiveness of the program.

55 4. Because of the important nature of this program to the health and
56 welfare of Missourians, this section shall become effective on July 1, 2006. The
57 department shall make every reasonable effort to ensure that the hero at home
58 program is serving families by August 1, 2006.

59 [5. The department shall prepare a report on the operations and progress
60 of the program to be delivered to the speaker of the house of representatives and
61 the president pro tem of the senate no later than January 1, 2007.]

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

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

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

18 2. The joint committee shall:

19 (1) Make a comprehensive study and analysis of the
20 consumer and economic impact on the preneed funeral contract
21 industry in the state of Missouri;

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

24 (3) Make any other recommendation to the general
25 assembly relating to its findings.

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

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

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

35 6. The members of the committee shall serve without
36 compensation but shall be entitled to reimbursement for actual and
37 necessary expenses incurred in the performance of their official
38 duties.

39 7. It shall be the duty of the committee to compile a full
40 report of its activities for submission to the general assembly. The
41 report shall be submitted not later than January 31, 2009, and

42 shall include any recommendations which the committee may have
43 for legislative action as well as any recommendations for
44 administrative or procedural changes in the internal management
45 or organization of state or local government agencies and
46 departments. Copies of the report containing such
47 recommendations shall be sent to the appropriate directors of state
48 or local government agencies or departments included in the report.

49 8. The provisions of this section shall expire on January 31,
50 2009.]

51 EXPLANATION: This section expired 01-31-09.

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

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

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

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

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

13 3. The provisions of this section shall terminate on August
14 28, 2007.]

15 EXPLANATION: This section expired 08-28-07.

[99.799. 1. The joint committee on tax policy shall conduct
a study of the feasibility of creating a program to allow
municipalities within the state to engage in tax increment
finance-like projects with optional tax abatement in any area of
such municipality regardless of the existence of blight. The
committee 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.

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

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

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

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

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

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

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

54 4. (1) The state board of education may exempt a school
55 district from the requirements of this section upon receiving a
56 request for an exemption by a school district. The request shall
57 show the reason or reasons for the noncompliance, and the
58 exemption shall apply for only one school year. Requests for
59 exemptions under this subdivision may be resubmitted in
60 succeeding years.

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

64 for the revision.

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

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

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

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

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

100 2002.

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

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

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

110 (3) In any year in which state funds distributed pursuant
111 to subsections 1 and 2 of section 163.031, RSMo, are no more than
112 ninety-six percent of such state funds distributed in fiscal year
113 2002.

114 11. The provisions of this section shall terminate on June
115 30, 2007.]

116 EXPLANATION: This section expired 06-30-07.

[165.018. 1. Any school district shall be permitted to make
2 a one-time additional transfer from the incidental fund to the
3 capital projects fund in an amount not to exceed forty percent of
4 that district's June 30, 2006, incidental fund if such school district
5 meets one of the following qualifications:

6 (1) Has an average daily attendance between nine hundred
7 forty and one thousand forty during the 2004-2005 school year,
8 located at least partially in a county of the third classification with
9 a township form of government and with more than twenty-nine
10 thousand seven hundred but fewer than twenty-nine thousand
11 eight hundred inhabitants and which entirely encompasses a city
12 of the fourth classification with more than one thousand one
13 hundred but fewer than one thousand two hundred inhabitants; or

14 (2) Has an average daily attendance between six hundred
15 and six hundred thirty during the 2004-2005 school year, located
16 at least partially in any county of the second classification with
17 more than fifty-five thousand six hundred but fewer than fifty-five
18 thousand seven hundred inhabitants; or

19 (3) Has an average daily attendance between four hundred

20 sixty and four hundred ninety during the 2004-2005 school year,
21 located at least partially in any county of the third classification
22 without a township form of government and with more than
23 twenty-three thousand two hundred fifty but fewer than
24 twenty-three thousand three hundred fifty inhabitants; or

25 (4) Has an average daily attendance between one thousand
26 four hundred and one thousand five hundred during the 2004-2005
27 school year and is located entirely within a county of the third
28 classification without a township form of government and with
29 more than twenty thousand but fewer than twenty thousand one
30 hundred inhabitants.

31 2. The provisions of this section shall terminate on July 1,
32 2007.]

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

[192.632. 1. There is hereby created a "Chronic Kidney
2 Disease Task Force". Unless otherwise stated, members shall be
3 appointed by the director of the department of health and senior
4 services and shall include, but not be limited to, the following
5 members:

6 (1) Two physicians appointed from lists submitted by the
7 Missouri state medical association;

8 (2) Two nephrologists;

9 (3) Two family physicians;

10 (4) Two pathologists;

11 (5) One member who represents owners or operators of
12 clinical laboratories in the state;

13 (6) One member who represents a private renal care
14 provider;

15 (7) One member who has a chronic kidney disease;

16 (8) One member who represents the state affiliate of the
17 National Kidney Foundation;

18 (9) One member who represents the Missouri kidney
19 program;

20 (10) Two members of the house of representatives appointed
21 by the speaker of the house;

22 (11) Two members of the senate appointed by the president

23 pro tem of the senate;

24 (12) Additional members may be chosen to represent public
25 health clinics, community health centers, and private health
26 insurers.

27 2. A chairperson and vice chairperson shall be elected by
28 the members of the task force.

29 3. The chronic kidney disease task force shall:

30 (1) Develop a plan to educate the public and health care
31 professionals about the advantages and methods of early screening,
32 diagnosis, and treatment of chronic kidney disease and its
33 complications based on kidney disease outcomes, quality initiative
34 clinical practice guidelines for chronic kidney disease, or other
35 medically recognized clinical practice guidelines;

36 (2) Make recommendations on the implementation of a
37 cost-effective plan for early screening, diagnosis, and treatment of
38 chronic kidney disease for the state's population;

39 (3) Identify barriers to adoption of best practices and
40 potential public policy options to address such barriers;

41 (4) Submit a report of its findings and recommendations to
42 the general assembly by August 30, 2008.

43 4. The department of health and senior services shall
44 provide all necessary staff, research, and meeting facilities for the
45 chronic kidney disease task force.

46 5. The provisions of this section shall expire August 30,
47 2008.]

48 EXPLANATION: This section expired August 30, 2008.

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

7 (1) Individuals who have successfully left welfare and
8 employment of such individuals;

9 (2) Individuals who remain on or have returned to welfare;
10 and

11 (3) Benefits of welfare reform realized by families,
12 employers, and the state.

13 2. The provisions of this section shall expire on December
14 31, 2007.]

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

[208.978. 1. The MO HealthNet oversight committee shall
2 develop and report upon recommendations to be delivered to the
3 governor and general assembly relating to the expenditure of funds
4 appropriated to the health care technology fund established under
5 section 208.975.

6 2. Recommendations from the committee shall include an
7 analysis and review, including but not limited to the following:

8 (1) Reviewing the current status of health care information
9 technology adoption by the health care delivery system in Missouri;

10 (2) Addressing the potential technical, scientific, economic,
11 security, privacy, and other issues related to the adoption of
12 interoperable health care information technology in Missouri;

13 (3) Evaluating the cost of using interoperable health care
14 information technology by the health care delivery system in
15 Missouri;

16 (4) Identifying private resources and public/private
17 partnerships to fund efforts to adopt interoperable health care
18 information technology;

19 (5) Exploring the use of telemedicine as a vehicle to
20 improve health care access to Missourians;

21 (6) Identifying methods and requirements for ensuring that
22 not less than ten percent of appropriations within a single fiscal
23 year shall be directed toward the purpose of expanding and
24 developing minority-owned businesses that deliver technological
25 enhancements to health care delivery systems and networks;

26 (7) Developing requirements to be recommended to the
27 general assembly that ensure not more than twenty-five percent of
28 appropriations from the health care technology fund in any fiscal
29 year shall be contractually awarded to a single entity;

30 (8) Developing requirements to be recommended to the
31 general assembly that ensure the number of contractual awards

32 provided from the health care technology fund shall not be fewer
33 than the number of congressional districts within Missouri; and

34 (9) Recommending best practices or policies for state
35 government and private entities to promote the adoption of
36 interoperable health care information technology by the Missouri
37 health care delivery system.

38 3. The committee shall make and report its
39 recommendations to the governor and general assembly on or
40 before January 1, 2008.

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

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

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

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

[217.860. 1. There is hereby created within the department
2 of corrections a "Task Force on Alternative Sentencing". The
3 primary duty of the task force is to develop a statewide plan for
4 alternative sentencing programs. The plan shall include, but not
5 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
12 a minimum 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

15 or programs per year;

16 (3) The recidivism rate for different types of offenses; and

17 (4) Information and research to assist the task force in
18 determining which classes of offenders should be targeted in
19 alternative sentencing programs.

20 3. The task force created in this section shall be comprised
21 of the following members or their designees from the entity
22 represented:

23 (1) The director;

24 (2) The director of the division of probation and parole;

25 (3) Two probation and parole officers or supervisors, who
26 shall be appointed by the director of the division of probation and
27 parole;

28 (4) One member of the department of economic
29 development's workforce development office who shall be appointed
30 by the director of the department of economic development;

31 (5) Two circuit or associate circuit judges who shall be
32 appointed by the governor;

33 (6) Two chief executive officers of two different private
34 businesses that employ a minimum of twenty employees each who
35 shall be appointed by the governor;

36 (7) Two prosecuting attorneys who shall be appointed by
37 the governor;

38 (8) Two members of the house of representatives, one of
39 whom shall be appointed by the speaker of the house and one of
40 whom shall be appointed by the house minority leader; and

41 (9) Two members of the senate, one of whom shall be
42 appointed by the president pro tem of the senate and one of whom
43 shall be appointed by the senate minority leader.

44 4. The task force shall meet at least quarterly and shall
45 submit its recommendations and statewide plan for an alternative
46 sentencing program or programs to the governor, to the general
47 assembly, and to the director by December 31, 2006.

48 5. Members of the task force shall receive no additional
49 compensation but shall be eligible for reimbursement for mileage
50 directly related to the performance of task force duties.

51 6. The provisions of this section terminate on May 31,
52 2007.]

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

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

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

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

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

 [376.990. The board of directors of the state health
2 insurance pool is hereby directed to conduct a study regarding the
3 financing of the state health insurance pool. Such study shall
4 include, but not be limited to, research and findings of how other
5 states finance their state high-risk pools. The study shall consider
6 alternative assessment approaches to the current assessment
7 method employed in section 376.975. In addition to studying
8 alternative financing mechanisms employed by other state
9 high-risk pools, the board shall explore the ramifications of
10 eliminating or reducing a carrier's ability to offset their
11 assessments against their premium tax liability. The polestar of

12 the study shall be establishing a stable funding source for the
13 Missouri state health insurance pool while providing adequate
14 health insurance coverage to Missouri's uninsurable
15 population. The board of directors of the state health insurance
16 pool shall submit a report of its findings and recommendations to
17 each member of the general assembly no later than January 1,
18 2008.]

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

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