

SECOND REGULAR SESSION

[CORRECTED]

[TRULY AGREED TO AND FINALLY PASSED]

REVISION

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1516

95TH GENERAL ASSEMBLY

4090S.03T

2010

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## 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.

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*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197.318, 197.366, 208.344, 208.978, 211.013, 217.860, 307.367, 329.028, 374.208, 376.990, and 620.515, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 57.080, 143.171, 174.020, 197.305, 197.318, 197.366, 329.028, and 620.515, to read as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

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.

7 duly qualified; but while such vacancy continues, any writ or process directed to the said sheriff  
8 and in such sheriff's hands at the time such vacancy occurs, remaining unexecuted, and any writ  
9 or process issued after such vacancy, may be served by any person selected by the plaintiff, the  
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  
20 in 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.]  
24

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

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.

30

31 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  
2 higher education governed by sections 174.020 to 174.500 shall be named and known as follows:  
3 the institution at Warrensburg, Johnson County, shall hereafter be known as the "Central  
4 Missouri State University"; the institution at Cape Girardeau, Cape Girardeau County, shall  
5 hereafter be known as the "Southeast Missouri State University"; the institution at Springfield,  
6 Greene County, shall hereafter be known as the "Missouri State University"; the institution at  
7 Maryville, Nodaway County, shall hereafter be known as the "Northwest Missouri State  
8 University"; the institution at St. Joseph, Buchanan County, shall hereafter be known as the  
9 "Missouri Western State University"; the institution at Joplin, Jasper County, shall hereafter be  
10 known as the "Missouri Southern State University"; and the college in the city of St. Louis shall  
11 be known as "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  
18 college located in Osage County, commonly known as the East Campus of Linn Technical  
19 College, shall 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.]

27

28 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.

78

79 EXPLANATION: The definition in subdivision (7) of this section is superseded by the  
80 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  
17 in 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  
25 care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e) under its  
26 criteria 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  
35 facilities 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.

94

95 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.

10

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

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.]

23

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

620.515. 1. This section shall be know 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.]  
55  
56 EXPLANATION: The report required under subsection 5 of this section was due for submission  
57 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  
be composed of seven members of the senate and seven members of the house

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

43

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

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  
10 effect on and after July 1, 2007.]

11 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.

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

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

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

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

8 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  
4 staff, a percentage that is for the 1994-95 and 1995-96 school years no less than  
5 three percentage points less than the base school year certificated salary  
6 percentage and for the 1996-97 school year, no less than two percentage points  
7 less than the base school year certificated salary percentage. A school district  
8 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

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

3. Beginning with the 1999-00 school year:

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

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

4. (1) The state board of education may exempt a school district from the requirements of this section upon receiving a request for an exemption by a school district. The request shall show the reason or reasons for the 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.

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

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

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

71           8. The provisions of this section shall not apply to any district wherein  
72 the local effort is greater than its weighted average daily attendance multiplied  
73 by the state adequacy target multiplied by the dollar value modifier under section  
74 163.031, RSMo.

75           9. The provisions of subsections 1 to 8 of this section shall not apply to  
76 any district that has unrestricted fund balances in the combined incidental and  
77 teacher funds on June thirtieth of the preceding year which are equal to or less  
78 than seventeen percent of the combined expenditure for the preceding year from  
79 these funds in any year in which state funds distributed pursuant to subsections  
80 1 and 2 of section 163.031, RSMo, are no more than ninety-six percent of such  
81 state funds distributed in fiscal year 2002.

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

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

87           (2) With unrestricted fund balances in the combined incidental and  
88 teacher funds on June thirtieth of the preceding year which are equal to or less  
89 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.]  
94

95 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.

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

28 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;

8 (2) Two nephrologists;

9 (3) Two family physicians;

10 (4) Two pathologists;

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

(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.]  
42

43 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  
6 limited to, current statistics and recommendations regarding:  
7 (1) Individuals who have successfully left welfare and employment of  
8 such individuals;  
9 (2) Individuals who remain on or have returned to welfare; and  
10 (3) Benefits of welfare reform realized by families, employers, and the  
11 state.  
12 2. The provisions of this section shall expire on December 31, 2007.]

12 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  
35 governor and general assembly on or before January 1, 2008.

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

37 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  
the definition of child, as used in section 211.031, to include any person over

4       seventeen years of age but not yet eighteen years of age alleged to have  
5       committed a status offense as defined in subdivision (2) of subsection 1 of  
6       section 211.031. The report shall contain information regarding the impact on  
7       caseloads of juvenile officers, including the average increase in caseload per  
8       juvenile officer for each judicial circuit, and the number of children affected by  
9       the change in definition.]

10

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

2               [217.860. 1. There is hereby created within the department of  
3       corrections a "Task Force on Alternative Sentencing". The primary duty of the  
4       task force is to develop a statewide plan for alternative sentencing programs. The  
5       plan shall 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  
26              workforce development office who shall be appointed by the director of the  
27              department of economic development;
- 28              (5) Two circuit or associate circuit judges who shall be appointed by the  
29              governor;
- 30              (6) Two chief executive officers of two different private businesses that  
31              employ a minimum of twenty employees each who shall be appointed by the  
32              governor;
- (7) Two prosecuting attorneys who shall be appointed by the governor;

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

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

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

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

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

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

[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 section 307.366 shall be transferred, as deemed necessary by the state treasurer and commissioner of administration, to the Missouri air emission reduction fund established in section 643.350, RSMo, to be used for the purposes of administering and enforcing the provisions of sections 643.300 to 643.355, RSMo. Prior to such date, any of the moneys in the Missouri air pollution control fund that are needed to pay any outstanding debt of the Missouri air pollution control fund, as determined by the state treasurer, shall be exempted from the provisions of this section. The Missouri air pollution control fund shall be officially abolished on September 1, 2007.]

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

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

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

[376.990. The board of directors of the state health insurance pool is hereby directed to conduct a study regarding the financing of the state health insurance pool. Such study shall include, but not be limited to, research and

4 findings of how other states finance their state high-risk pools. The study shall  
5 consider alternative assessment approaches to the current assessment method  
6 employed in section 376.975. In addition to studying alternative financing  
7 mechanisms employed by other state high-risk pools, the board shall explore the  
8 ramifications of eliminating or reducing a carrier's ability to offset their  
9 assessments against their premium tax liability. The polestar of the study shall  
10 be establishing a stable funding source for the Missouri state health insurance  
11 pool while providing adequate health insurance coverage to Missouri's  
12 uninsurable population. The board of directors of the state health insurance pool  
13 shall submit a report of its findings and recommendations to each member of the  
14 general assembly no later than January 1, 2008.]

15

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

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Speaker of the House

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President Pro Tem of the Senate

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Governor