

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE REVISION BILL NO. 2467

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SHAUL.

6270H.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 8.800, 8.805, 8.830, 8.843, 33.295, 33.700, 33.710, 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.400, 105.420, 105.430, 105.440, 105.445, 135.210, 135.311, 135.575, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540, 143.105, 143.106, 143.107, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050, 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 173.197, 178.930, 196.973, 205.580, 205.590, 205.600, 205.610, 205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993, 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 251.650, 261.295, 288.036, 288.121, 288.128, 288.131, 301.562, 324.028, 324.159, 324.406, 326.265, 327.451, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510, 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157, 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and section 302.700 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof ninety-eight new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions.

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.

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

Section A. Sections 8.800, 8.805, 8.830, 8.843, 33.295, 33.700, 33.710, 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.400, 105.420, 105.430, 105.440, 105.445, 135.210, 135.311, 135.575, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540, 143.105, 143.106, 143.107, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050, 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 173.197, 178.930, 196.973, 205.580, 205.590, 205.600, 205.610, 205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993, 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 251.650, 261.295, 288.036, 288.121, 288.128, 288.131, 301.562, 324.028, 324.159, 324.406, 326.265, 327.451, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510, 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157, 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and section 302.700 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, are repealed and ninety-eight new sections enacted in lieu thereof, to be known as sections 8.800, 8.805, 8.830, 8.843, 42.300, 44.105, 51.165, 67.5016, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.400, 105.420, 105.430, 135.210, 135.311, 135.950, 141.540, 143.811, 144.030, 144.810, 147.020, 147.050, 161.215, 165.011, 170.051, 178.930, 196.973, 208.156, 209.015, 210.027, 210.114, 211.447, 226.805, 261.295, 288.036, 288.121, 288.128, 301.562, 302.700, 324.028, 324.159, 324.406, 326.265, 327.451, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.400, 414.406, 414.412, 414.417, 414.510, 620.035, 620.511, 620.512, 620.513, 640.153, 640.155, 640.157, 640.160, 640.651, 640.653, 660.135, 701.500, and 701.509, to read as follows:

THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

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

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

34  
35 THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE  
36 DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

8.805. 1. For the first three years of each completed energy efficiency project for state buildings, to the extent that there are energy savings beyond payment of the financing obligation, required reserves and other expenses associated with project financing, one-half of the energy savings shall be placed in the energy analyses account, created in section 8.807, and one-half shall revert to the general revenue fund. The division, in conjunction with the department, shall establish criteria for determining projected savings from energy efficiency projects in state buildings. The division, in conjunction with all state agencies, shall establish criteria for determining the actual savings which result from a specific energy efficiency project.

2. Beginning January 15, 1997, and annually thereafter, the office of administration and the department of [natural resources] **economic development** shall file a joint report to the house committee on energy and environment, the senate committee on energy and environment, or their successor committees, and the governor on the identification of, planning for and implementation of energy efficiency projects in state buildings.

THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

8.830. For purposes of sections 8.830 to 8.851, the following terms mean:

(1) "Department", the department of [natural resources] **economic development**;

(2) "Director", the director of the department of [natural resources] **economic development**;

(3) "Division", the division of facilities management, design and construction;

(4) "Public building", a building owned or operated by a governmental subdivision of the state, including, but not limited to, a city, county or school district;

(5) "State building", a building owned or operated by the state, a state agency or department, a state college or a state university.

THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

8.843. There is hereby established an interagency advisory committee on energy cost reduction and savings. The committee shall consist of the commissioner of administration, the director of the division of facilities management, design and construction, the director of the department of [natural resources] **economic development**, the director of the environmental improvement and energy resources authority, the director of the division of energy, the director of the department of transportation, the director of the department of conservation and the commissioner of higher education. The committee shall advise the department on the development of the minimum energy efficiency standard and state building energy efficiency

9 rating system and shall assist the office of administration in implementing sections 8.833 and  
10 8.835.

11

12 EXPLANATION: THE AUTHORITY FOR AUDITS UNDER SUBSECTION 4 OF THIS  
13 SECTION EXPIRED 12-31-13:

42.300. 1. There is hereby created in the state treasury the "Veterans Commission  
2 Capital Improvement Trust Fund" which shall consist of money collected under section 313.835.  
3 The state treasurer shall administer the veterans commission capital improvement trust fund, and  
4 the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans  
5 commission for:

6 (1) The construction, maintenance or renovation or equipment needs of veterans' homes  
7 in this state;

8 (2) The construction, maintenance, renovation, equipment needs and operation of  
9 veterans' cemeteries in this state;

10 (3) Fund transfers to Missouri veterans' homes fund established under the provisions of  
11 section 42.121, as necessary to maintain solvency of the fund;

12 (4) Fund transfers to any municipality with a population greater than four hundred  
13 thousand and located in part of a county with a population greater than six hundred thousand in  
14 this state which has established a fund for the sole purpose of the restoration, renovation and  
15 maintenance of a memorial or museum or both dedicated to World War I. Appropriations from  
16 the veterans commission capital improvement trust fund to such memorial fund shall be provided  
17 only as a one-time match for other funds devoted to the project and shall not exceed five million  
18 dollars. Additional appropriations not to exceed ten million dollars total may be made from the  
19 veterans commission capital improvement trust fund as a match to other funds for the new  
20 construction or renovation of other facilities dedicated as veterans' memorials in the state. All  
21 appropriations for renovation, new construction, reconstruction, and maintenance of veterans'  
22 memorials shall be made only for applications received by the Missouri veterans commission  
23 prior to July 1, 2004;

24 (5) The issuance of matching fund grants for veterans' service officer programs to any  
25 federally chartered veterans' organization or municipal government agency that is certified by  
26 the Veterans Administration to process veteran claims within the Veterans Administration  
27 System; provided that such veterans' organization has maintained a veterans' service officer  
28 presence within the state of Missouri for the three-year period immediately preceding the  
29 issuance of any such grant. A total of one million five hundred thousand dollars in grants shall  
30 be made available annually for service officers and joint training and outreach between veterans'  
31 service organizations and the Missouri veterans commission with grants being issued in July of

32 each year. Application for the matching grants shall be made through and approved by the  
33 Missouri veterans commission based on the requirements established by the commission;

34 (6) For payment of Missouri National Guard and Missouri veterans commission  
35 expenses associated with providing medals, medallions and certificates in recognition of service  
36 in the Armed Forces of the United States during World War II, the Korean Conflict, and the  
37 Vietnam War under sections 42.170 to 42.226. Any funds remaining from the medals,  
38 medallions and certificates shall not be transferred to any other fund and shall only be utilized  
39 for the awarding of future medals, medallions, and certificates in recognition of service in the  
40 Armed Forces;

41 (7) Fund transfers totaling ten million dollars to any municipality with a population  
42 greater than three hundred fifty thousand inhabitants and located in part in a county with a  
43 population greater than six hundred thousand inhabitants and with a charter form of government,  
44 for the sole purpose of the construction, restoration, renovation and maintenance of a memorial  
45 or museum or both dedicated to World War I; and

46 (8) The administration of the Missouri veterans commission.

47 2. Any interest which accrues to the fund shall remain in the fund and shall be used in  
48 the same manner as moneys which are transferred to the fund under this section.  
49 Notwithstanding the provisions of section 33.080 to the contrary, moneys in the veterans  
50 commission capital improvement trust fund at the end of any biennium shall not be transferred  
51 to the credit of the general revenue fund.

52 3. Upon request by the veterans commission, the general assembly may appropriate  
53 moneys from the veterans commission capital improvement trust fund to the Missouri National  
54 Guard trust fund to support the activities described in section 41.958.

55 [4. The state auditor shall conduct an audit of all moneys in the veterans commission  
56 capital improvement trust fund every year beginning January 1, 2011, and ending on December  
57 31, 2013. The findings of each audit shall be distributed to the general assembly, governor, and  
58 lieutenant governor no later than ten business days after the completion of such audit.]

59

60 THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE  
61 DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-01:

44.105. 1. In a governor-declared state of emergency, the [department of health and  
2 senior services] **governor** may suspend any provision of chapters 195 and 334 pertaining to  
3 dispensing medications. Persons who dispense medications under this section shall be trained  
4 by the [department of health and senior services] **agency** and shall dispense medications under  
5 the supervision of a licensed health care provider according to the [department's] **agency's**  
6 strategic national stockpile plan.

7           2. The [department] **agency** may develop effective citizen involvement to recruit, train,  
8 and accept the services of volunteers to supplement the programs administered by the  
9 [department] **agency** in dispensing medications to the population in the event of an emergency.

10           3. Volunteers recruited, trained, and accepted by the [department] **agency** shall comply  
11 with the [department's] **agency's** strategic national stockpile plan in dispensing medications.

12           4. The [department] **agency** may:

13           (1) Provide staff as deemed necessary for the effective management and development  
14 of volunteer dispensing sites deployed in response to a governor-declared emergency;

15           (2) Provide or assure access to professional staff as deemed necessary for the effective  
16 training and oversight of volunteers;

17           (3) Develop and provide to all volunteers written rules governing the job descriptions,  
18 recruitment, screening, training responsibility, utilization, and supervision of volunteers; and

19           (4) Educate volunteers to ensure that they understand their duties and responsibilities.

20           5. Non-health care professional volunteers, whose liability is not otherwise protected by  
21 section 44.045 shall be deemed unpaid employees and shall be accorded the protection of the  
22 legal expense fund and other provisions of section 105.711.

23           6. As used in this section, "volunteer" means any person who, of his or her own free will,  
24 performs any assigned duties for the [department of health and senior services] **agency** with no  
25 monetary or material compensation.

26

27 EXPLANATION: THIS SECTION CHANGES OBSOLETE SOCIAL SECURITY  
28 PROVISIONS AND BRINGS MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

51.165. In all counties of class three and four which shall enter into an agreement with  
2 the state agency to place county employees under the Federal Social Security Act in accordance  
3 with the provisions of sections 105.300 to [105.440] **105.430**, it shall be the duty of the county  
4 clerk to keep necessary records, collect contributions of county employees [and remit the same  
5 to the state agency], and do all other administrative acts required by the agreement or by ruling  
6 of the federal or state agency in order to carry out the purposes of the aforesaid law.

7

8 EXPLANATION: THIS SECTION REMOVES OBSOLETE LANGUAGE REGARDING THE  
9 COMMINGLING OF STATE AND LOCAL FUNDS:

67.5016. 1. Any county levying a local sales tax under the authority of sections 67.5000  
2 to 67.5038 shall not administer or collect the tax locally, but shall utilize the services of the state  
3 department of revenue to administer, enforce, and collect the tax. The sales tax shall be  
4 administered, enforced, and collected in the same manner and by the same procedure as other  
5 local sales taxes are levied and collected and shall be in addition to any other sales tax authorized

6 by law. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall  
7 apply to the tax imposed pursuant to this section.

8         2. Upon receipt of a certified copy of a resolution from the county authorizing the levy  
9 of a local sales tax, which resolution shall state the name of the district in which that county is  
10 included, the director of the department of revenue shall cause this tax to be collected at the same  
11 time and in the same manner provided for the collection of the state sales tax. All moneys  
12 derived from this local sales tax imposed under the authority of sections 67.5000 to 67.5038 and  
13 collected under the provisions of this section by the director of revenue shall be [credited to a  
14 fund established for the district, which is hereby established in] **deposited with** the state  
15 treasury[,] under the name of that district, as established. **The moneys derived from local sales**  
16 **tax shall not be deemed to be state funds and shall not be commingled with any funds of**  
17 **the state.** Any refund due on any local sales tax collected pursuant to section 67.5000 to  
18 67.5038 shall be paid out of the sales tax refund fund and reimbursed by the director of revenue  
19 from the sales tax revenue collected under this section. All local sales tax revenue derived from  
20 the authority granted by sections 67.5000 to 67.5038 and collected from within any county, under  
21 this section, shall be remitted at least quarterly by the director of revenue to the district  
22 established by sections 67.5000 to 67.5038, the source county included in the district and the  
23 cities in that county, in the percentages set forth in section 67.5014.

24

25 EXPLANATION: REMOVES THE REFERENCE IN SUBDIVISION (15) TO THE JOINT  
26 COMMITTEE ON ECONOMIC POLICY AND PLANNING WHICH WAS REPEALED IN  
27 2014:

100.710. As used in sections 100.700 to 100.850, the following terms mean:

2         (1) "Assessment", an amount of up to five percent of the gross wages paid in one year  
3 by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic  
4 development project is located within a distressed community as defined in section 135.530;

5         (2) "Board", the Missouri development finance board as created by section 100.265;

6         (3) "Certificates", the revenue bonds or notes authorized to be issued by the board  
7 pursuant to section 100.840;

8         (4) "Credit", the amount agreed to between the board and an eligible industry, but not  
9 to exceed the assessment attributable to the eligible industry's project;

10         (5) "Department", the Missouri department of economic development;

11         (6) "Director", the director of the department of economic development;

12         (7) "Economic development project":

13         (a) The acquisition of any real property by the board, the eligible industry, or its affiliate;

14 or



15 (b) The fee ownership of real property by the eligible industry or its affiliate; and

16 (c) For both paragraphs (a) and (b) of this subdivision, "economic development project"  
17 shall also include the development of the real property including construction, installation, or  
18 equipping of a project, including fixtures and equipment, and facilities necessary or desirable for  
19 improvement of the real property, including surveys; site tests and inspections; subsurface site  
20 work; excavation; removal of structures, roadways, cemeteries and other surface obstructions;  
21 filling, grading and provision of drainage, storm water retention, installation of utilities such as  
22 water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site  
23 construction of utility extensions to the boundaries of the real property; and the acquisition,  
24 installation, or equipping of facilities on the real property, for use and occupancy by the eligible  
25 industry or its affiliates;

26 (8) "Eligible employee", a person employed on a full-time basis in a new job at the  
27 economic development project averaging at least thirty-five hours per week who was not  
28 employed by the eligible industry or a related taxpayer in this state at any time during the  
29 twelve-month period immediately prior to being employed at the economic development project.  
30 For an essential industry, a person employed on a full-time basis in an existing job at the  
31 economic development project averaging at least thirty-five hours per week may be considered  
32 an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;

33 (9) "Eligible industry", a business located within the state of Missouri which is engaged  
34 in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling  
35 products, conducting research and development, or providing services in interstate commerce,  
36 office industries, or agricultural processing, but excluding retail, health or professional services.  
37 "Eligible industry" does not include a business which closes or substantially reduces its operation  
38 at one location in the state and relocates substantially the same operation to another location in  
39 the state. This does not prohibit a business from expanding its operations at another location in  
40 the state provided that existing operations of a similar nature located within the state are not  
41 closed or substantially reduced. This also does not prohibit a business from moving its  
42 operations from one location in the state to another location in the state for the purpose of  
43 expanding such operation provided that the board determines that such expansion cannot  
44 reasonably be accommodated within the municipality in which such business is located, or in the  
45 case of a business located in an incorporated area of the county, within the county in which such  
46 business is located, after conferring with the chief elected official of such municipality or county  
47 and taking into consideration any evidence offered by such municipality or county regarding the  
48 ability to accommodate such expansion within such municipality or county. An eligible industry  
49 must:

50 (a) Invest a minimum of fifteen million dollars, or ten million dollars for an office  
51 industry, in an economic development project; and

52 (b) Create a minimum of one hundred new jobs for eligible employees at the economic  
53 development project or a minimum of five hundred jobs if the economic development project  
54 is an office industry or a minimum of two hundred new jobs if the economic development project  
55 is an office industry located within a distressed community as defined in section 135.530, or in  
56 the case of an approved company for a project for a world headquarters of a business whose  
57 primary function is tax return preparation in any home rule city with more than four hundred  
58 thousand inhabitants and located in more than one county, create a minimum of one hundred new  
59 jobs for eligible employees at the economic development project. An industry that meets the  
60 definition of "essential industry" may be considered an eligible industry for the purposes of the  
61 program authorized by sections 100.700 to 100.850.

62  
63 Notwithstanding the preceding provisions of this subdivision, a development agency, as such  
64 term is defined in subdivision (3) of section 100.255, or a corporation, limited liability company,  
65 or partnership formed on behalf of a development agency, at the option of the board, may be  
66 authorized to act as an eligible industry with such obligations and rights otherwise applicable to  
67 an eligible industry, including the rights of an approved company under section 100.850, so long  
68 as the eligible industry otherwise meets the requirements imposed by this subsection;

69 (10) "Essential industry", a business that otherwise meets the definition of eligible  
70 industry except an essential industry shall:

71 (a) Be a targeted industry;

72 (b) Be located in a home rule city with more than twenty-six thousand but less than  
73 twenty-seven thousand inhabitants located in any county with a charter form of government and  
74 with more than one million inhabitants or in a city of the fourth classification with more than  
75 four thousand three hundred but fewer than four thousand four hundred inhabitants and located  
76 in any county with a charter form of government and with more than one million inhabitants;

77 (c) Have maintained at least two thousand jobs at the proposed economic development  
78 project site each year for a period of four years preceding the year in which application for the  
79 program authorized by sections 100.700 to 100.850 is made and during the year in which said  
80 application is made;

81 (d) Retain, at the proposed economic development project site, the level of employment  
82 that existed at the site in the taxable year immediately preceding the year in which application  
83 for the program, authorized by sections 100.700 to 100.850, is made. Retention of such level  
84 of employment shall commence three years from the date of issuance of the certificates and  
85 continue for the duration of the certificates; and

86 (e) Invest a minimum of five hundred million dollars in the economic development  
87 project by the end of the third year after the issuance of the certificates under this program;

88 (11) "New job", a job in a new or expanding eligible industry not including jobs of  
89 recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the  
90 state. For an essential industry, an existing job may be considered a new job for the purposes of  
91 the program authorized by sections 100.700 to 100.850;

92 (12) "Office industry", a regional, national or international headquarters, a  
93 telecommunications operation, a computer operation, an insurance company, or a credit card  
94 billing and processing center;

95 (13) "Program costs", all necessary and incidental costs of providing program services  
96 including payment of the principal of premium, if any, and interest on certificates, including  
97 capitalized interest, issued to finance a project, and funding and maintenance of a debt service  
98 reserve fund to secure such certificates. Program costs shall include:

99 (a) Obligations incurred for labor and obligations incurred to contractors, subcontractors,  
100 builders and materialmen in connection with the acquisition, construction, installation or  
101 equipping of an economic development project;

102 (b) The cost of acquiring land or rights in land and any cost incidental thereto, including  
103 recording fees;

104 (c) The cost of contract bonds and of insurance of all kinds that may be required or  
105 necessary during the course of acquisition, construction, installation or equipping of an economic  
106 development project which is not paid by the contractor or contractors or otherwise provided for;

107 (d) All costs of architectural and engineering services, including test borings, surveys,  
108 estimates, plans and specifications, preliminary investigations and supervision of construction,  
109 as well as the costs for the performance of all the duties required by or consequent upon the  
110 acquisition, construction, installation or equipping of an economic development project;

111 (e) All costs which are required to be paid under the terms of any contract or contracts  
112 for the acquisition, construction, installation or equipping of an economic development project;  
113 and

114 (f) All other costs of a nature comparable to those described in this subdivision;

115 (14) "Program services", administrative expenses of the board, including contracted  
116 professional services, and the cost of issuance of certificates;

117 (15) "Targeted industry", an industry or one of a cluster of industries that is identified  
118 by the department as critical to the state's economic security and growth [and affirmed as such  
119 by the joint committee on economic development policy and planning established in section  
120 620.602].

121

122 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
123 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

104.342. 1. Any person hired by the state on or after August 13, 1986, in any of the  
2 positions described in this subsection shall be a member of the system from the date on which  
3 such employment begins. This subsection shall apply to any person duly certified under the law  
4 governing the certification of teachers who is employed full time:

- 5 (1) As a teacher by the division of youth services;
- 6 (2) As a teacher by a division of the state department of social services and who renders  
7 services in a school whose standards of education are set and which is supervised by a public  
8 school officer of the county in which the school is located, by the department of elementary and  
9 secondary education or by the coordinating board for higher education;
- 10 (3) As a teacher by the section of inmate education of the department of corrections;
- 11 (4) In either a teaching or supervisory teaching capacity by the department of mental  
12 health, in which his or her duties include participation in the educational program of the  
13 department of mental health.

14 2. Any person employed in any of the positions described in subsection 1 of this section  
15 immediately prior to and on August 13, 1986, may elect, in writing, to:

16 (1) Become a member of the Missouri state employees' retirement system effective  
17 January 1, 1987. Any person who, by virtue of an election made under this subdivision, becomes  
18 a member of the Missouri state employees' retirement system shall be entitled to creditable prior  
19 service credit for service rendered in any of the positions described in subsection 1 of this  
20 section. Members who so elect shall be eligible, upon written request filed with the public  
21 school retirement system, to receive a refund of their accumulated contributions including  
22 interest of six percent and upon payment of such refund, the public school retirement systems  
23 shall pay to the state employees' retirement system before June 30, 1987, an amount equal to the  
24 amount paid the public school retirement system on behalf of each member so electing by the  
25 member's employer; or

26 (2) Remain a member of the public school retirement system of Missouri created under  
27 sections 169.010 to 169.140. Any person entitled to make the election provided by this  
28 subsection who does not make such election, in writing, by January 1, 1987, shall be deemed to  
29 have elected to be governed by subdivision (1) of this subsection.

30 3. Any person who is employed on a full-time basis by Truman State University,  
31 Northwest Missouri State University, Central Missouri State University, Southeast Missouri  
32 State University, Southwest Missouri State University, Harris-Stowe State College or Missouri  
33 Southern State College and Missouri Western State College shall be a member of the system;  
34 except that any person who is duly certified under the laws governing the certification of teachers

35 and who is a full-time employee of such institution or institutions on June 14, 1989, and is  
36 contributing because of such employment to a retirement system established under sections  
37 169.010 to 169.140 or sections 169.410 to 169.540, may make an election to continue in that  
38 retirement system if such election is made on or before December 31, 1989. This election shall  
39 not apply to any such person who commenced receiving retirement benefits prior to January 1,  
40 1990, from any state retirement system because of such service.

41 4. Effective January 1, 1990, only after an affirmative referendum in accordance with  
42 section 105.353, any person who is employed on a full-time basis by the department of  
43 elementary and secondary education shall be a member of the system; except that any person  
44 duly certified under the law governing the certification of teachers who is a full-time employee  
45 at any time during the period extending from June 14, 1989, through December 31, 1989, and  
46 is contributing because of such employment to the retirement system established under sections  
47 169.010 to 169.140, may elect to continue in that retirement system if such election is made on  
48 or before December 31, 1989. This election shall not apply to any such person who commenced  
49 receiving retirement benefits prior to January 1, 1990, from any state retirement system because  
50 of such service.

51 5. On June 14, 1989, all newly employed persons in the positions described in subsection  
52 3 of this section shall become members of the Missouri state employees' retirement system.  
53 Effective January 1, 1990, and only after an affirmative referendum provided for in subsection  
54 4 of this section, all newly employed persons in the positions described in subsection 4 of this  
55 section shall become members of the Missouri state employees' retirement system.

56 6. Any employee actively employed on June 14, 1989, who, because of employment in  
57 a position described in subsection 1, 3 or 4 of this section, has creditable service in this system  
58 for such employment which at the time the service was rendered was not covered by the federal  
59 Social Security Act, shall remain in this system and be entitled to the benefits provided under  
60 subdivision (1) of subsection 7 of this section; except that any such employee who has creditable  
61 service in this system because of employment in a position described in subsection 4 of this  
62 section which is not covered by the federal Social Security Act on January 1, 1990, shall not be  
63 entitled to the benefits provided under subdivision (1) of subsection 7 of this section for such  
64 creditable service.

65 7. Any person entitled to make the election provided by subsection 3 or 4 of this section,  
66 who does not make such election, in writing, on or before December 31, 1989, shall be deemed  
67 to have elected to be governed by subdivision (1) of this subsection:

68 (1) Those persons described in subsections 3 and 4 of this section who elect or have  
69 elected by written request filed with the board to be members of this system, shall be entitled to  
70 creditable prior service for service rendered in any of the positions described in subsections 1,

71 3 and 4 of this section. Any person who so elects shall be eligible, upon written request filed  
72 with the board on or before March 31, 1990, with the retirement system established under  
73 sections 169.010 to 169.140 or sections 169.410 to 169.540, to receive a refund of the member's  
74 accumulated contributions for the creditable service in any of the positions described in  
75 subsections 1, 3 and 4 of this section, plus interest at an annual rate of six percent computed on  
76 the refundable balance, if any, in the member's account in that retirement system as of June 30,  
77 1989. Such refunds shall be made prior to June 1, 1990. If any creditable prior service  
78 transferred under subsection 1, 3 or 4 of this section, or subsection 3 of section 104.372, includes  
79 periods of service not covered by the federal Social Security Act, as provided in sections 105.300  
80 to [105.445] **105.430**, then, in calculating the benefit amount payable to such member, the  
81 normal annuity shall be an amount equal to two and one-tenth percent of the average  
82 compensation of the member multiplied by the number of years of such creditable service for the  
83 positions described in subsections 1, 3 and 4 of this section not covered by the federal Social  
84 Security Act in addition to an amount payable under section 104.374 for all service covered by  
85 the federal Social Security Act. The normal annuity as described in this subdivision shall be  
86 adjusted for early retirement, if applicable;

87 (2) Any person described in subsections 3 and 4 of this section, who elects to remain in  
88 one of the retirement systems established under sections 169.010 to 169.140 or sections 169.410  
89 to 169.540, shall, notwithstanding any provision of chapter 169 to the contrary, be a  
90 noncontributing member of such system and shall receive a refund of the member's accumulated  
91 contributions for the creditable service in any of the positions described in subsection 1, 3 or 4  
92 of this section, plus interest at an annual rate of six percent computed on the refundable balance,  
93 if any, in the member's account in that retirement system as of June 30, 1989. Such refunds shall  
94 be made prior to June 1, 1990. At the time of retirement under the provisions of sections  
95 169.010 to 169.140 or sections 169.410 to 169.540, such person shall receive a retirement benefit  
96 computed under the then existing law of that retirement system; except that, for any person  
97 employed in a position described in subsection 4 of this section, the benefit shall be the amount  
98 computed as though the position were not covered by the federal Social Security Act, reduced  
99 by the amount of any federal Social Security benefit the person may receive which is attributable  
100 to service rendered in the positions described in subsection 4 of this section after December 31,  
101 1989.

102 8. Upon payment of the refunds provided in subdivision (1) of subsection 7 of this  
103 section, each refunding retirement system shall pay to the state employees' retirement system,  
104 by December 31, 1990, an amount actuarially determined to equal the liability transferred from  
105 such retirement systems. At least ninety days before each regular session of the general assembly  
106 the board of trustees of the affected public school retirement system shall certify to the division

of budget an actuarially determined estimate of the amount which will be necessary during the next appropriation period to pay all liabilities, including costs of administration, which shall exist or accrue under subsections 1 through 7 of this section during such period. The estimate shall be computed as a level percentage of payroll compensation to cover the normal cost and to amortize the accrued liability over a period not to exceed forty years. The commissioner of administration shall request appropriation of the amount calculated under the provisions of this subsection. The commissioner of administration monthly shall requisition and certify the payment to the executive secretary of the appropriate school retirement system.

9. Notwithstanding any provisions of chapter 169 to the contrary, any member who becomes a member under the provisions of subsection 2, 5, or 7 of this section and who has creditable service with a public school retirement system under that chapter because of employment with any employer other than those defined in subsection 1, 3, or 4 of this section shall immediately vest in that public school retirement system and upon attainment of the minimum retirement age of that system shall be entitled to a monthly benefit based on such creditable service and the law in effect at that time, provided the person does not elect to withdraw the member's accumulated contributions for such creditable service from that public school retirement system.

10. Effective July 1, 1988, the Lincoln University board of curators shall terminate the Lincoln University retirement, disability and death benefit plan and shall purchase through competitive bids annuities adequate to cover the liability for all benefits presently being paid from such plan to former employees or their surviving beneficiaries upon the death of the employee as provided by such plan at the time of the commencement of benefits to such former employees or beneficiaries. Lincoln University shall pay to the Missouri state employees' retirement system on or before July 1, 1988, an amount equal to all funds and securities thereon contained in the Lincoln University retirement, disability and death benefit plan less the amount needed to purchase annuities for retiree and survivor benefits.

11. Effective July 1, 1988, the Lincoln University board of curators shall certify to the board of trustees of the Missouri state employees' retirement system all persons eligible to receive but not yet receiving benefits under the Lincoln University retirement, disability and death benefit plan, for service prior to June 30, 1988, together with the amounts payable and supporting documentation as to the methods, plan provisions and data used to calculate such benefits, to the satisfaction of the board of trustees of the Missouri state employees' retirement system, and the Missouri state employees' retirement system shall assume responsibility for payment of such benefits in the future.

12. Any person employed on a full-time basis by Lincoln University on or after July 1, 1988, shall become a member of the Missouri state employees' retirement system, and may elect

in writing to receive creditable prior service for all full-time service to Lincoln University if such service is not now credited the member under the Missouri state employees' retirement system, and provided the member elects in writing to forfeit all rights accrued under the Lincoln University retirement, disability and death benefit plan for such service.

13. (1) Any person who is employed by Harris-Stowe State College as a teacher or administrator on August 28, 1995, who was employed full time by Harris-Stowe College prior to September 1, 1978, who became a member of the Missouri state employees' retirement system on or after September 1, 1978, and who has been continuously employed by the college, may purchase creditable prior service for any service rendered to Harris-Stowe College prior to September 1, 1978, which is not otherwise credited under the Missouri state employees' retirement system, not to exceed twelve years;

(2) Any person eligible to purchase creditable prior service under the provisions of subdivision (1) of this subsection may make written application to the board of trustees of the Missouri state employees' retirement system prior to retirement, but not later than April 1, 1996. The purchase shall be effected by the member and the public school retirement system of which the member was previously a member paying to the Missouri state employees' retirement system the following amounts:

(a) The amount contributed by the employee to the St. Louis public school retirement system during the years of prior service with Harris-Stowe College for which the employee seeks to purchase creditable prior service in the Missouri state employees' retirement system, including interest which may have been credited to the member's individual account with the system, or which would have been credited to the account had it remained with the St. Louis public school retirement system; and

(b) An amount which shall not be less than zero and which shall equal the actuarial accrued liability of the St. Louis public school retirement system for the prior service, determined as of the transfer date as if the member were still in active service covered by the St. Louis public school retirement system, less the amount stipulated in paragraph (a) of this subdivision;

(c) If the member had received a refund of contributions related to service covered by the St. Louis public school retirement system, the amount stipulated in paragraph (a) of this subdivision shall be paid to the Missouri state employees' retirement system by the member, otherwise, such amount shall be paid to the Missouri state employees' retirement system by the St. Louis public school retirement system;

(3) Any amount payable to the Missouri state employees' retirement system by the member may be paid in a lump sum or in monthly installments. If paid in monthly installments, the period over which payments are being made may not extend beyond the earlier of the



178 member's retirement date or April 1, 1997, and shall include interest at a rate established by the  
179 board of trustees of the Missouri state employees' retirement system;

180 (4) Any amounts payable to the Missouri state employees' retirement system by the St.  
181 Louis public schools retirement system shall be paid in a lump sum and shall not be paid later  
182 than the earlier of the member's retirement date or April 1, 1997, and shall include interest at a  
183 rate established by the board of trustees of the Missouri state employees' retirement system;

184 (5) Any person who elects to purchase creditable prior service under the provisions of  
185 this section shall file with the St. Louis public school retirement system an irrevocable waiver  
186 and release of any rights and benefits in that system for the creditable prior service being  
187 purchased. The member shall file with the Missouri state employees' retirement system a copy  
188 of the waiver and an affidavit stating that he or she is no longer eligible to receive benefits or  
189 credits in any other retirement system for the creditable prior service being purchased[;

190 (6) All retirement plans defined under section 105.660 shall develop a procurement  
191 action plan for utilization of minority and women money managers, brokers and investment  
192 counselors. Such retirement systems shall report their progress annually to the joint committee  
193 on public employee retirement and the governor's minority advocacy commission].

194 14. In no event shall any person receive service credit for the same period of service  
195 under more than one retirement system.

196

197 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
198 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

104.1024. 1. Any member who terminates employment may retire on or after attaining  
2 normal retirement eligibility by making application in written form and manner approved by the  
3 appropriate board. The written application shall set forth the annuity starting date which shall  
4 not be earlier than the first day of the second month following the month of the execution and  
5 filing of the member's application for retirement nor later than the first day of the fourth month  
6 following the month of the execution and filing of the member's application for retirement. The  
7 payment of the annuity shall be made the last working day of each month, providing all  
8 documentation required under section 104.1027 for the calculation and payment of the benefits  
9 is received by the board.

10 2. A member's annuity shall be paid in the form of a life annuity, except as provided in  
11 section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the  
12 final average pay of the member multiplied by the member's years of credited service.

13 3. The life annuity defined in subsection 2 of this section shall not be less than a monthly  
14 amount equal to fifteen dollars multiplied by the member's full years of credited service.

15           4. If as of the annuity starting date of a member who has attained normal retirement  
16 eligibility the sum of the member's years of age and years of credited service equals eighty or  
17 more years and if the member's age is at least forty-eight years but less than sixty-two years, or,  
18 in the case of a member of the highway patrol who shall be subject to the mandatory retirement  
19 provision of section 104.080, the mandatory retirement age and completion of five years of  
20 credited service, then in addition to the life annuity described in subsection 2 of this section, the  
21 member shall receive a temporary annuity equal to eight-tenths of one percent of the member's  
22 final average pay multiplied by the member's years of credited service. The temporary annuity  
23 and any cost-of-living adjustments attributable to the temporary annuity pursuant to section  
24 104.1045 shall terminate at the end of the calendar month in which the earlier of the following  
25 events occurs: the member's death or the member's attainment of the earliest age of eligibility  
26 for reduced Social Security retirement benefits, but no later than age sixty-two.

27           5. The annuity described in subsection 2 of this section for any person who has credited  
28 service not covered by the federal Social Security Act, as provided in sections 105.300 to  
29 [105.445] **105.430**, shall be calculated as follows: the life annuity shall be an amount equal to  
30 two and five-tenths percent of the final average pay of the member multiplied by the number of  
31 years of service not covered by the federal Social Security Act in addition to one and  
32 seven-tenths percent of the final average pay of the member multiplied by the member's years  
33 of credited service covered by the federal Social Security Act.

34           6. Effective July 1, 2002, any member, except an elected official or a member of the  
35 general assembly, who has not been paid retirement benefits and continues employment for at  
36 least two years beyond the date of normal retirement eligibility, may elect to receive an annuity  
37 and lump sum payment or payments, determined as follows:

38           (1) A retroactive starting date shall be established which shall be a date selected by the  
39 member; provided, however, that the retroactive starting date selected by the member shall not  
40 be a date which is earlier than the date when a normal annuity would have first been payable.  
41 In addition, the retroactive starting date shall not be more than five years prior to the annuity  
42 starting date. The member's selection of a retroactive starting date shall be done in twelve-month  
43 increments, except this restriction shall not apply when the member selects the total available  
44 time between the retroactive starting date and the annuity starting date;

45           (2) The prospective annuity payable as of the annuity starting date shall be determined  
46 pursuant to the provisions of this section, with the exception that it shall be the amount which  
47 would have been payable at the annuity starting date had the member actually retired on the  
48 retroactive starting date under the retirement plan selected by the member. Other than for the  
49 lump sum payment or payments specified in subdivision (3) of this subsection, no other amount  
50 shall be due for the period between the retroactive starting date and the annuity starting date;

51 (3) The lump sum payable shall be ninety percent of the annuity amounts which would  
52 have been paid to the member from the retroactive starting date to the annuity starting date had  
53 the member actually retired on the retroactive starting date and received a life annuity. The  
54 member shall elect to receive the lump sum amount either in its entirety at the same time as the  
55 initial annuity payment is made or in three equal annual installments with the first payment made  
56 at the same time as the initial annuity payment;

57 (4) Any annuity payable pursuant to this section that is subject to a division of benefit  
58 order pursuant to section 104.1051 shall be calculated as follows:

59 (a) Any service of a member between the retroactive starting date and the annuity  
60 starting date shall not be considered credited service except for purposes of calculating the  
61 division of benefit; and

62 (b) The lump sum payment described in subdivision (3) of this section shall not be  
63 subject to any division of benefit order; and

64 (5) For purposes of determining annual benefit increases payable as part of the lump sum  
65 and annuity provided pursuant to this section, the retroactive starting date shall be considered the  
66 member's date of retirement.

67

68 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
69 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.300. When used in sections 105.300 to [105.440] **105.430**, the following terms  
2 mean:

3 (1) "Applicable federal law", those provisions of the federal law, including federal  
4 regulations and requirements issued pursuant thereto which provide for the extension of the  
5 benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.) to employees of states,  
6 political subdivisions and their instrumentalities;

7 (2) "Employee", elective or appointive officers and employees of the state, including  
8 members of the general assembly, and elective or appointive officers and employees of any  
9 political subdivision of the state, including county officers remunerated wholly by fees from  
10 sources other than county funds, or any instrumentality of either the state or such political  
11 subdivisions; and employees of a group of two or more political subdivisions of the state  
12 organized to perform common functions or services;

13 (3) "Employee tax", the tax imposed by section 1400 of the federal Internal Revenue  
14 Code of 1939 and section 3101 of the federal Internal Revenue Code of 1954;

15 (4) "Employment", any service performed by any employee of the state or any of its  
16 political subdivisions or any instrumentality of either of them, which may be covered, under  
17 applicable federal law, in the agreement between the state and the [Secretary of Health,

18 Education and Welfare] **Commissioner of the Social Security Administration**, except services,  
19 which in the absence of an agreement entered into under sections 105.300 to [105.440] **105.430**  
20 would constitute "employment" as defined in section 210 of the Social Security Act (42 U.S.C.A.  
21 § 410); any services performed by an employee as a member of a coverage group, in positions  
22 covered by a retirement system on the date such agreement is made applicable to such coverage  
23 group, which retirement system is supported wholly or in part by the state or any of its  
24 instrumentalities or political subdivisions, shall not be considered as "employment" within the  
25 meaning of sections 105.300 to [105.440] **105.430**; however, service which under the Social  
26 Security Act may be included only upon certification by the governor in accordance with section  
27 218(d)(3) of that act shall be included in the term "employment" if and when the governor issues,  
28 with respect to such service, a certificate to the [Secretary of Health, Education and Welfare  
29 pursuant to] **Commissioner of the Social Security Administration under** section 105.353;  
30 (5) "Federal agency", any federal officer, department, or agency which is charged on  
31 behalf of the federal government with the particular federal function referred to in connection  
32 with such term;  
33 (6) "Federal Insurance Contributions Act", subchapter A of chapter 9 of the federal  
34 Internal Revenue Code of 1939 and subchapters A and B of chapter 21 of the federal Internal  
35 Revenue Code of 1954, as such codes have been and may be amended;  
36 (7) "Instrumentality", an instrumentality of a state or of one or more of its political  
37 subdivisions but only if such instrumentality is a juristic entity which is legally separate and  
38 distinct from the state or such political subdivision and whose employees are not by virtue of  
39 their relation to such juristic entity employees of the state or such subdivision;  
40 (8) "Political subdivision", any county, township, municipal corporation, school district,  
41 or other governmental entity of equivalent rank;  
42 (9) "Social Security Act", the act of Congress approved August 14, 1935, Title 42,  
43 Chapter 7, United States Code, officially cited as the "Social Security Act", (42 U.S.C.A. § 401,  
44 et seq.), as such act has been and may from time to time be amended;  
45 (10) "State administrator", director, division of accounting, office of administration;  
46 (11) "State agency", office of administration, division of accounting;  
47 (12) "Wages", all remuneration for employment as defined herein, including the cash  
48 value of all remuneration paid in any medium other than cash, except that the term shall not  
49 include that part of such remuneration which, even if it were for "employment" within the  
50 meaning of the federal Insurance Contributions Act, would not constitute "wages" within the  
51 meaning of that act.

53 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
54 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.310. 1. The state agency, with the approval of the governor, shall enter into on  
2 behalf of the state an agreement with the [Secretary of Health and Human Services]  
3 **Commissioner of the Social Security Administration**, consistent with sections 105.300 to  
4 [105.440] **105.430**, for the purpose of extending the benefits of the federal old age and survivors  
5 insurance system to employees of the state or of any of its political subdivisions, or of any  
6 instrumentality of any one or more of them, with respect to services specified in such agreement,  
7 which constitute employment as defined in section 105.300. Such agreement may contain  
8 provisions relating to coverage, benefits, contributions, effective date, modifications and  
9 termination of the agreement, administration and other appropriate provisions, and except as  
10 otherwise required by the Social Security Act as to the services to be covered, such agreement  
11 shall provide that benefits will be granted to employees whose services are covered by the  
12 agreement, their dependents and survivors, on the same basis as though the services constituted  
13 employment within the meaning of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.).

14 2. A modification entered into after December 31, 1954, and prior to January 1, 1958,  
15 may be effective with respect to services performed after December 31, 1954, or after a later date  
16 specified in the modification.

17 3. All services which constitute employment as defined in section 105.300 and are  
18 performed in the employ of the state by employees of the state shall be covered by the agreement.

19 4. [All services shall be covered by the agreement which:

20 (1) Constitute employment as defined in section 105.300;

21 (2) Are performed in the employ of a political subdivision or in the employ of an  
22 instrumentality of either the state or a political subdivision; except services performed in the  
23 employ of any municipality in connection with its operation of a public transportation system as  
24 defined in section 210(1) of the Social Security Act (42 U.S.C.A. § 410); and there is hereby  
25 granted to the governing body of such municipality and the officers in charge of such  
26 transportation system such powers and authority as may be necessary to comply with the Social  
27 Security Act in extending the benefits of the federal old age and survivors insurance system to  
28 the employees of such public transportation system; and

29 (3) Are covered by a plan which is in conformity with the terms of the agreement  
30 approved by the state agency under section 105.350] **Services which constitute employment**  
31 **as defined in section 105.300 and Section 210 of the Social Security Act, 42 U.S.C. Section**  
32 **410, and are performed in the employ of a political subdivision or instrumentality of the**  
33 **state may be covered as defined by the terms of the agreement.**

34           5. As modified the agreement shall include all services described in either subsection 3  
35 or 4 of this section and performed by individuals in positions covered by a retirement system  
36 with respect to which the governor has issued a certificate to the [Secretary of Health and Human  
37 Services pursuant to] **Commissioner of the Social Security Administration** under section  
38 105.353.

39

40 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
41 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

          105.330. Any instrumentality jointly created by this state and any other state or states is  
2 hereby authorized upon the granting of like authority by such other state or states:

3           (1) To enter into an agreement with the [Secretary of Health, Education and Welfare]  
4 **Commissioner of the Social Security Administration** whereby the benefits of the federal old  
5 age and survivors insurance system shall be extended to employees of such instrumentality;

6           (2) To require its employees to pay, and for that purpose deduct from their wages,  
7 contributions equal to the amounts which they would be required to pay under section 105.340,  
8 subsection 1, if they were covered by an agreement made pursuant to section 105.310;

9           (3) To make payments to the Secretary of the Treasury in accordance with such  
10 agreement, including payments from its own funds, and otherwise to comply with such  
11 agreements. Such agreement, to the extent practicable, shall be consistent with the provisions  
12 of sections 105.300 to [105.440] **105.430**.

13

14 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
15 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

          105.340. 1. Every employee of the state whose services are covered by an agreement  
2 entered into under section 105.310 shall be required to pay for the period of coverage to the  
3 trustee contributions with respect to wages equal to the amount of the employee tax which would  
4 be imposed by the Federal Insurance Contributions Act (26 U.S.C.A. § 1400). The liability shall  
5 arise in consideration of the employee's retention in the service, or his entry upon service after  
6 the passage of sections 105.300 to [105.440] **105.430**.

7           2. The contributions imposed by this section shall be collected by the trustee by  
8 deducting the amount of the contributions from wages paid, but failure to make the deductions  
9 shall not relieve the employee from liability for the contribution.

10           3. If more or less than the correct amount of the employee's contribution is paid or  
11 deducted with respect to any remuneration, proper adjustments or refund shall be made, without  
12 interest, in such manner and at such times as the state agency shall prescribe.

13

14 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
15 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.350. 1. Each political subdivision of the state and each instrumentality of the state  
2 or of a political subdivision may submit for approval by the state agency a plan for extending the  
3 benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.) to its employees, and  
4 are hereby authorized to, by proper ordinance or resolution, enter into and ratify any such  
5 agreement upon its approval as aforesaid. Two or more political subdivisions or  
6 instrumentalities may form a joint plan if, in the absence of such joint plan, because of the  
7 requirements of the agreement entered into pursuant to section 105.310, or because of any  
8 requirement imposed by federal law, any subdivision included in such unit would be unable to  
9 submit an approvable plan.

10 2. Each plan or any amendment thereof shall be approved by the state agency if it finds  
11 that such plan is in conformity with the requirements provided by the regulations of the state  
12 agency, except that no plan shall be approved unless:

13 (1) It is in conformity with the requirements of the applicable federal law and with the  
14 agreement entered into under section 105.310;

15 (2) It provides that all services which constitute employment as defined in section  
16 105.300 and are performed in the employ of the political subdivision or instrumentality, or in the  
17 employ of any member of a joint coverage unit are covered by the plan;

18 (3) It specifies the source or sources from which the funds necessary to make the  
19 payments required by section 105.370 are to be derived and contains reasonable assurance that  
20 such sources will be adequate for such purpose;

21 (4) It provides for methods of administration of the plan by the political subdivision or  
22 instrumentality or members of the joint coverage unit as are found by the state agency to be  
23 necessary for the proper and efficient administration of the plan[;

24 (5) It provides that the political subdivision or instrumentality or members of the joint  
25 coverage unit shall make reports, in the form and containing such information as the state agency  
26 may from time to time require, and that it shall comply with all provisions which the state or  
27 federal agency may find necessary to assure the correctness and verification of such reports].  
28

29 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
30 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.353. 1. Upon the request of the governing body of a **coverage group covered by**  
2 **a** retirement system, the governor shall authorize a referendum supervised by the office of  
3 administration, in accordance with the requirements of section 218(d)(3) of the Social Security  
4 Act, on the question of whether service in positions covered by a retirement system established

5 by the state or by a political subdivision thereof should be excluded from or included under an  
6 agreement under sections 105.300 to [105.440] **105.430**. The notice required by section  
7 218(d)(3)(C) of the Social Security Act to be given to employees shall contain or be  
8 accompanied by a statement, in such form and detail necessary and sufficient, to inform the  
9 employees of the rights which will accrue to them and their dependents and survivors, and the  
10 liabilities to which they will be subject, if their services are included under an agreement under  
11 sections 105.300 to [105.440]. The public school retirement system of Missouri shall constitute  
12 a single retirement system and vote in a single referendum except that each state college and  
13 teachers' college and the department of elementary and secondary education shall be treated as  
14 a separate retirement system, shall vote in a separate referendum and shall determine its coverage  
15 independently of action taken by any other entity] **105.430**.

16 2. Upon receiving evidence satisfactory to him that with respect to any referendum the  
17 conditions specified in section 218(d)(3) of the Social Security Act have been met, the governor  
18 shall so certify to the [Secretary of Health, Education and Welfare] **Commissioner of the Social**  
19 **Security Administration**.

20 3. In the event the employees in positions covered by the public school retirement system  
21 of Missouri, except employees of any state college or state teachers' college, vote to be included  
22 under an agreement under sections 105.300 to [105.440] **105.430**, the employing political  
23 subdivision, instrumentalities and the state shall enter into and execute an agreement with the  
24 state agency for extending the benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401  
25 et seq.) to their employees.

26

27 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
28 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.370. 1. Each political subdivision or instrumentality whose plan has been approved  
2 under section 105.350 shall pay to the [trustee with respect to wages at such times as the state  
3 agency may prescribe contributions in the amounts and at the rates specified in the agreement  
4 entered into by the state agency] **Internal Revenue Service contributions, together with any**  
5 **applicable interest and penalties, in the amounts and at the rates prescribed by federal law**.

6 2. Each political subdivision or instrumentality required to make payments under  
7 sections 105.300 to [105.440] **105.430** is authorized, in consideration of the employee's retention  
8 in, or entry upon, employment after the passage of sections 105.300 to [105.440] **105.430**, to  
9 impose upon its employees, as to services which are covered by an approved plan, a contribution  
10 with respect to wages, not exceeding the amount of the employee tax which would be imposed  
11 by the Federal Insurance Contributions Act (26 U.S.C.A. § 1400) and to deduct the amount of  
12 the contribution from the wages when paid. Contributions so collected shall be paid to the



13 [trustee] **Internal Revenue Service** in partial discharge of the liability of the political  
14 subdivision or instrumentality. Failure to deduct the contribution shall not relieve the employee  
15 or employer of liability therefor.

16

17 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
18 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.375. Any county officer who is compensated wholly by fees derived from sources  
2 other than county or state moneys shall pay into the county treasury out of fees received by him  
3 amounts equal to the contributions required to be paid by the county under section 105.370 and  
4 shall collect from all deputies, assistants and employees in his office and turn over to the officer  
5 or agent of the county charged with the payment thereof to the [state agency] **Internal Revenue**  
6 **Service** the amounts required to be collected and paid under section 105.370.

7

8 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
9 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.400. The director of the division of accounting at such times as may be prescribed  
2 by federal law or regulation shall certify to the state treasurer the amount of the state's share of  
3 the contributions required to be paid to the federal agency on account of the officers and  
4 employees of each department, division, **or** agency [or unit of state government whose services  
5 are covered by an agreement entered into under section 105.310] **of the state**. Thereupon the  
6 state treasurer shall immediately transfer such amounts from the proper funds from which the  
7 officers and employees were paid to the "Contribution Fund" which is hereby created.

8

9 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
10 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.420. There are hereby authorized to be appropriated to the trustee [in addition to the  
2 contributions paid into the account under sections 105.340 to 105.375, to be available for the  
3 purpose of subsections 4 and 5 of section 105.390, until expended, such additional] **such** sums  
4 as are found to be necessary in order to make the payments to the federal agency which the state  
5 is obligated to make pursuant to an agreement entered into under section 105.310.

6

7 EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO  
8 BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

105.430. The state agency shall make and publish such rules and regulations, not  
2 inconsistent with the provisions of sections 105.300 to [105.440] **105.430**, as it finds necessary  
3 to the efficient administration of the provisions of sections 105.300 to [105.440] **105.430**.

4 EXPLANATION: REMOVES LANGUAGE REFERRING TO THE JOINT COMMITTEE ON  
5 ECONOMIC POLICY AND PLANNING WHICH WAS REPEALED IN 2014:

135.210. 1. Any governing authority which desires to have any portion of a city or  
2 unincorporated area of a county under its control designated as an enterprise zone shall hold a  
3 public hearing for the purpose of obtaining the opinion and suggestions of those persons who  
4 will be affected by such designation. The governing authority shall notify the director of such  
5 hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper  
6 of general circulation in the area to be affected by such designation at least twenty days prior to  
7 the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state  
8 the time, location, date and purpose of the hearing. The director, or the director's designee, shall  
9 attend such hearing.

10 2. After a public hearing is held as required in subsection 1 of this section, the governing  
11 authority may file a petition with the department requesting the designation of a specific area as  
12 an enterprise zone. Such petition shall include, in addition to a description of the physical,  
13 social, and economic characteristics of the area:

14 (1) A plan to provide adequate police protection within the area;

15 (2) A specific and practical process for individual businesses to obtain waivers from  
16 burdensome local regulations, ordinances, and orders which serve to discourage economic  
17 development within the area to be designated an enterprise zone; except that, such waivers shall  
18 not substantially endanger the health or safety of the employees of any such business or the  
19 residents of the area;

20 (3) A description of what other specific actions will be taken to support and encourage  
21 private investment within the area;

22 (4) A plan to ensure that resources are available to assist area residents to participate in  
23 increased development through self-help efforts and in ameliorating any negative effects of  
24 designation of the area as an enterprise zone;

25 (5) A statement describing the projected positive and negative effects of designation of  
26 the area as an enterprise zone; and

27 (6) A specific plan to provide assistance to any person or business dislocated as a result  
28 of activities within the zone. Such plan shall determine the need of dislocated persons for  
29 relocation assistance; provide, prior to displacement, information about the type, location and  
30 price of comparable housing or commercial property; provide information concerning state and  
31 federal programs for relocation assistance and provide other advisory services to displaced  
32 persons. Public agencies may choose to provide assistance under the Uniform Relocation and  
33 Real Property Acquisition Act, 42 U.S.C. section 4601, et seq. to meet the requirements of this  
34 subdivision.

35           3. [Notwithstanding the provisions of section 135.250, the director of the department of  
36 economic development shall, prior to the designation of any enterprise zone, submit to the joint  
37 committee on economic development policy and planning, established in section 620.602, rules  
38 and regulations pertaining to the designation of enterprise zones. Following approval by the  
39 joint committee, such rules and regulations shall be issued pursuant to the provisions of section  
40 536.021. Upon approval of an enterprise zone designation by the department, the director shall  
41 submit such enterprise zone designation to the joint committee for its approval. An enterprise  
42 zone designation shall be effective upon such approval by the joint committee. The director shall  
43 report annually to the joint committee the number and location of all enterprise zones designated,  
44 together with the business activity within each designated enterprise zone.

45           4.] No more than fifty such areas may be designated by the director as an enterprise zone  
46 under the provisions of this subsection, except that any enterprise zones authorized apart from  
47 this subsection by specific legislative enactment, on or after August 28, 1991, shall not be  
48 counted toward the limitation set forth in this subsection. After fifty enterprise zones, plus any  
49 others authorized apart from this subsection by specific legislative enactment first designated on  
50 or after August 28, 1991, have been designated by the director, additional enterprise zones may  
51 be authorized apart from this subsection by specific legislative enactment, except that if an  
52 enterprise zone designation is cancelled under the provision of subsection [5] 4 of this section,  
53 the director may designate one area as an enterprise zone for each enterprise zone designation  
54 which is cancelled.

55           [5.] 4. Each designated enterprise zone or satellite zone must report to the director on an  
56 annual basis regarding the status of the zone and business activity within the zone. On the fifth  
57 anniversary of the designation of each zone after August 8, 1989, and each five years thereafter,  
58 the director shall evaluate the activity which has occurred within the zone during the previous  
59 five-year period, including business investments and the creation of new jobs. [The director shall  
60 present the director's evaluation to the joint legislative committee on economic development  
61 policy and planning.] If the director finds that the plan outlined in the application for designation  
62 was not implemented in good faith, or if such zone no longer qualifies under the original criteria,  
63 or if the director finds that the zone is not being effectively promoted or developed, the director  
64 may recommend [to the committee] that the designation of that area as an enterprise zone be  
65 cancelled. All agreements negotiated under the benefits of such zone shall remain in effect for  
66 the originally agreed upon duration. The [committee] **director** shall schedule a hearing on such  
67 recommendation for not later than sixty days after the recommendation is filed with it. At the  
68 hearing, interested parties, including the director, may present witnesses and evidence as to why  
69 the enterprise zone designation for that particular area should be continued or cancelled. Within  
70 thirty days after the hearing, the [committee] **director** shall determine whether or not the

71 designation should be continued. If it is not continued, the director shall remove the designation  
72 from the area and, following the procedures outlined in this section, award the designation of an  
73 enterprise zone to another applicant. If an area has requested a designated enterprise zone, and  
74 met all existing statutory requirements, but has not been designated such, then the applicant may  
75 appeal [to the joint legislative committee on economic development policy and planning] for a  
76 hearing to determine its eligibility for such a designation. [The review of the director's  
77 evaluation and the hearing thereon, and any appeal as provided for in this subsection, by the joint  
78 legislative committee on economic development policy and planning shall be an additional duty  
79 for that body.]

80

81 EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE  
82 OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE  
83 ORDER 13-03:

135.311. When applying for a tax credit the wood energy producer shall make  
2 application for the credit to the division of energy of the department of [natural resources]  
3 **economic development**. The application shall include:

4 (1) The number of tons of processed wood products produced during the preceding  
5 calendar year;

6 (2) The name and address of the person to whom processed products were sold and the  
7 number of tons sold to each person;

8 (3) Other information which the department of [natural resources] **economic**  
9 **development** reasonably requires. The application shall be received and reviewed by the  
10 division of energy of the department of [natural resources] **economic development** and the  
11 division shall certify to the department of revenue each applicant which qualifies as a wood  
12 energy-producing facility.

13

14 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
15 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

2 (1) "Average wage", the new payroll divided by the number of new jobs;

3 (2) "Blighted area", an area which, by reason of the predominance of defective or  
4 inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,  
5 improper subdivision or obsolete platting, or the existence of conditions which endanger life or  
6 property by fire and other causes, or any combination of such factors, retards the provision of  
7 housing accommodations or constitutes an economic or social liability or a menace to the public  
8 health, safety, morals, or welfare in its present condition and use. The term "blighted area" shall

9 also include any area which produces or generates or has the potential to produce or generate  
10 electrical energy from a renewable energy resource, and which, by reason of obsolescence,  
11 decadence, blight, dilapidation, deteriorating or inadequate site improvements, substandard  
12 conditions, the predominance or defective or inadequate street layout, unsanitary or unsafe  
13 conditions, improper subdivision or obsolete platting, or the existence of conditions which  
14 endanger the life or property by fire or other means, or any combination of such factors, is  
15 underutilized, unutilized, or diminishes the economic usefulness of the land, improvements, or  
16 lock and dam site within such area for the production, generation, conversion, and conveyance  
17 of electrical energy from a renewable energy resource;

18 (3) "Board", an enhanced enterprise zone board established pursuant to section 135.957;

19 (4) "Commencement of commercial operations" shall be deemed to occur during the first  
20 taxable year for which the new business facility is first put into use by the taxpayer in the  
21 enhanced business enterprise in which the taxpayer intends to use the new business facility;

22 (5) "County average wage", the average wages in each county as determined by the  
23 department for the most recently completed full calendar year. However, if the computed county  
24 average wage is above the statewide average wage, the statewide average wage shall be deemed  
25 the county average wage for such county for the purpose of determining eligibility. The  
26 department shall publish the county average wage for each county at least annually.  
27 Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in  
28 conjunction with their project is relocating employees from a Missouri county with a higher  
29 county average wage, such taxpayer shall obtain the endorsement of the governing body of the  
30 community from which jobs are being relocated or the county average wage for their project  
31 shall be the county average wage for the county from which the employees are being relocated;

32 (6) "Department", the department of economic development;

33 (7) "Director", the director of the department of economic development;

34 (8) "Employee", a person employed by the enhanced business enterprise that is scheduled  
35 to work an average of at least one thousand hours per year, and such person at all times has  
36 health insurance offered to him or her, which is partially paid for by the employer;

37 (9) "Enhanced business enterprise", an industry or one of a cluster of industries that is  
38 either:

39 (a) Identified by the department as critical to the state's economic security and growth;  
40 or

41 (b) Will have an impact on industry cluster development, as identified by the governing  
42 authority in its application for designation of an enhanced enterprise zone and approved by the  
43 department; but excluding gambling establishments (NAICS industry group 7132), retail trade  
44 (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations

45 (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking  
46 places (NAICS subsector 722), however, notwithstanding provisions of this section to the  
47 contrary, headquarters or administrative offices of an otherwise excluded business may qualify  
48 for benefits if the offices serve a multistate territory. In the event a national, state, or regional  
49 headquarters operation is not the predominant activity of a project facility, the new jobs and  
50 investment of such headquarters operation is considered eligible for benefits under this section  
51 if the other requirements are satisfied. Service industries may be eligible only if a majority of  
52 its annual revenues will be derived from out of the state;

53 (10) "Existing business facility", any facility in this state which was employed by the  
54 taxpayer claiming the credit in the operation of an enhanced business enterprise immediately  
55 prior to an expansion, acquisition, addition, or replacement;

56 (11) "Facility", any building used as an enhanced business enterprise located within an  
57 enhanced enterprise zone, including the land on which the facility is located and all machinery,  
58 equipment, and other real and depreciable tangible personal property acquired for use at and  
59 located at or within such facility and used in connection with the operation of such facility;

60 (12) "Facility base employment", the greater of the number of employees located at the  
61 facility on the date of the notice of intent, or for the twelve-month period prior to the date of the  
62 notice of intent, the average number of employees located at the facility, or in the event the  
63 project facility has not been in operation for a full twelve-month period, the average number of  
64 employees for the number of months the facility has been in operation prior to the date of the  
65 notice of intent;

66 (13) "Facility base payroll", the total amount of taxable wages paid by the enhanced  
67 business enterprise to employees of the enhanced business enterprise located at the facility in the  
68 twelve months prior to the notice of intent, not including the payroll of owners of the enhanced  
69 business enterprise unless the enhanced business enterprise is participating in an employee stock  
70 ownership plan. For the purposes of calculating the benefits under this program, the amount of  
71 base payroll shall increase each year based on the consumer price index or other comparable  
72 measure, as determined by the department;

73 (14) "Governing authority", the body holding primary legislative authority over a county  
74 or incorporated municipality;

75 (15) "Megaproject", any manufacturing or assembling facility, approved by the  
76 department for construction and operation within an enhanced enterprise zone, which satisfies  
77 the following:

78 (a) The new capital investment is projected to exceed three hundred million dollars over  
79 a period of eight years from the date of approval by the department;

80 (b) The number of new jobs is projected to exceed one thousand over a period of eight  
81 years beginning on the date of approval by the department;

82 (c) The average wage of new jobs to be created shall exceed the county average wage;

83 (d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty  
84 percent of such insurance premiums; and

85 (e) An acceptable plan of repayment, to the state, of the tax credits provided for the  
86 megaproject has been provided by the taxpayer;

87 (16) "NAICS", the 1997 edition of the North American Industry Classification System  
88 as prepared by the Executive Office of the President, Office of Management and Budget. Any  
89 NAICS sector, subsector, industry group or industry identified in this section shall include its  
90 corresponding classification in subsequent federal industry classification systems;

91 (17) "New business facility", a facility that does not produce or generate electrical energy  
92 from a renewable energy resource and satisfies the following requirements:

93 (a) Such facility is employed by the taxpayer in the operation of an enhanced business  
94 enterprise. Such facility shall not be considered a new business facility in the hands of the  
95 taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person  
96 or persons. If the taxpayer employs only a portion of such facility in the operation of an  
97 enhanced business enterprise, and leases another portion of such facility to another person or  
98 persons or does not otherwise use such other portions in the operation of an enhanced business  
99 enterprise, the portion employed by the taxpayer in the operation of an enhanced business  
100 enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c),  
101 and (d) of this subdivision are satisfied;

102 (b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A  
103 facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31,  
104 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding  
105 contract to transfer title to the taxpayer, or the commencement of the term of the lease to the  
106 taxpayer occurs after December 31, 2004;

107 (c) If such facility was acquired by the taxpayer from another taxpayer and such facility  
108 was employed immediately prior to the acquisition by another taxpayer in the operation of an  
109 enhanced business enterprise, the operation of the same or a substantially similar enhanced  
110 business enterprise is not continued by the taxpayer at such facility; and

111 (d) Such facility is not a replacement business facility, as defined in subdivision (27) of  
112 this section;

113 (18) "New business facility employee", an employee of the taxpayer in the operation of  
114 a new business facility during the taxable year for which the credit allowed by section 135.967

115 is claimed, except that truck drivers and rail and barge vehicle operators and other operators of  
116 rolling stock for hire shall not constitute new business facility employees;

117 (19) "New business facility investment", the value of real and depreciable tangible  
118 personal property, acquired by the taxpayer as part of the new business facility, which is used by  
119 the taxpayer in the operation of the new business facility, during the taxable year for which the  
120 credit allowed by 135.967 is claimed, except that trucks, truck-trailers, truck semitrailers, rail  
121 vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges,  
122 tunnels, and rail yards and spurs shall not constitute new business facility investments. The total  
123 value of such property during such taxable year shall be:

124 (a) Its original cost if owned by the taxpayer; or

125 (b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental  
126 rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the  
127 taxpayer from subrentals. The new business facility investment shall be determined by dividing  
128 by twelve the sum of the total value of such property on the last business day of each calendar  
129 month of the taxable year. If the new business facility is in operation for less than an entire  
130 taxable year, the new business facility investment shall be determined by dividing the sum of the  
131 total value of such property on the last business day of each full calendar month during the  
132 portion of such taxable year during which the new business facility was in operation by the  
133 number of full calendar months during such period;

134 (20) "New job", the number of employees located at the facility that exceeds the facility  
135 base employment less any decrease in the number of the employees at related facilities below the  
136 related facility base employment. No job that was created prior to the date of the notice of intent  
137 shall be deemed a new job;

138 (21) "Notice of intent", a form developed by the department which is completed by the  
139 enhanced business enterprise and submitted to the department which states the enhanced  
140 business enterprise's intent to hire new jobs and request benefits under such program;

141 (22) "Related facility", a facility operated by the enhanced business enterprise or a  
142 related company in this state that is directly related to the operation of the project facility;

143 (23) "Related facility base employment", the greater of:

144 (a) The number of employees located at all related facilities on the date of the notice of  
145 intent; or

146 (b) For the twelve-month period prior to the date of the notice of intent, the average  
147 number of employees located at all related facilities of the enhanced business enterprise or a  
148 related company located in this state;

149 (24) "Related taxpayer":

150 (a) A corporation, partnership, trust, or association controlled by the taxpayer;



151 (b) An individual, corporation, partnership, trust, or association in control of the  
152 taxpayer; or

153 (c) A corporation, partnership, trust or association controlled by an individual,  
154 corporation, partnership, trust or association in control of the taxpayer. "Control of a  
155 corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty  
156 percent of the total combined voting power of all classes of stock entitled to vote, "control of a  
157 partnership or association" shall mean ownership of at least fifty percent of the capital or profits  
158 interest in such partnership or association, and "control of a trust" shall mean ownership, directly  
159 or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such  
160 trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code  
161 of 1986, as amended;

162 (25) "Renewable energy generation zone", an area which has been found, by a resolution  
163 or ordinance adopted by the governing authority having jurisdiction of such area, to be a blighted  
164 area and which contains land, improvements, or a lock and dam site which is unutilized or  
165 underutilized for the production, generation, conversion, and conveyance of electrical energy  
166 from a renewable energy resource;

167 (26) "Renewable energy resource", shall include:

- 168 (a) Wind;  
169 (b) Solar thermal sources or photovoltaic cells and panels;  
170 (c) Dedicated crops grown for energy production;  
171 (d) Cellulosic agricultural residues;  
172 (e) Plant residues;  
173 (f) Methane from landfills, agricultural operations, or wastewater treatment;  
174 (g) Thermal depolymerization or pyrolysis for converting waste material to energy;  
175 (h) Clean and untreated wood such as pallets;  
176 (i) Hydroelectric power, which shall include electrical energy produced or generated by  
177 hydroelectric power generating equipment, as such term is defined in section 137.010;  
178 (j) Fuel cells using hydrogen produced by one or more of the renewable resources  
179 provided in paragraphs (a) to (i) of this subdivision; or

180 (k) Any other sources of energy, not including nuclear energy, that are certified as  
181 renewable by rule by the department of [natural resources] **economic development**;

182 (27) "Replacement business facility", a facility otherwise described in subdivision (17)  
183 of this section, hereafter referred to in this subdivision as "new facility", which replaces another  
184 facility, hereafter referred to in this subdivision as "old facility", located within the state, which  
185 the taxpayer or a related taxpayer previously operated but discontinued operating on or before

186 the close of the first taxable year for which the credit allowed by this section is claimed. A new  
 187 facility shall be deemed to replace an old facility if the following conditions are met:

188 (a) The old facility was operated by the taxpayer or a related taxpayer during the  
 189 taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which  
 190 commencement of commercial operations occurs at the new facility; and

191 (b) The old facility was employed by the taxpayer or a related taxpayer in the operation  
 192 of an enhanced business enterprise and the taxpayer continues the operation of the same or  
 193 substantially similar enhanced business enterprise at the new facility. Notwithstanding the  
 194 preceding provisions of this subdivision, a facility shall not be considered a replacement business  
 195 facility if the taxpayer's new business facility investment, as computed in subdivision (19) of this  
 196 section, in the new facility during the tax period for which the credits allowed in section 135.967  
 197 are claimed exceed one million dollars and if the total number of employees at the new facility  
 198 exceeds the total number of employees at the old facility by at least two;

199 (28) "Same or substantially similar enhanced business enterprise", an enhanced business  
 200 enterprise in which the nature of the products produced or sold, or activities conducted, are  
 201 similar in character and use or are produced, sold, performed, or conducted in the same or similar  
 202 manner as in another enhanced business enterprise.

203

204 EXPLANATION: AN INACCURATE INTERSECTIONAL REFERENCE CREATED IN 2012  
 205 IS CHANGED:

141.540. 1. In any county at a certain front door of whose courthouse sales of real estate  
 2 are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell  
 3 the respective parcels of real estate ordered sold by him or her pursuant to any judgment of  
 4 foreclosure by any court pursuant to sections 141.210 to 141.810 **and 141.980 to 141.1015** at  
 5 any of such courthouses, but the sale of such parcels of real estate shall be held at the same front  
 6 door as sales of real estate are customarily made by the sheriff under execution.

7 2. Such advertisements may include more than one parcel of real estate, and shall be in  
 8 substantially the following form:

9 NOTICE OF SHERIFF'S SALE  
 10 UNDER JUDGMENT OF  
 11 FORECLOSURE OF LIENS FOR  
 12 DELINQUENT LAND TAXES

13 No. . . . .

14 In the Circuit Court of . . . . .

15 County, Missouri.

16 In the Matter of Foreclosure of Liens

17 for Delinquent Land Taxes  
18 Collector of Revenue of . . . . .  
19 County, Missouri,  
20

21 Plaintiff,  
22 vs.

23 Parcels of Land encumbered with  
24 Delinquent Tax Liens,  
25 Defendants.

26 WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest,  
27 penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the  
28 description thereof, the name of the person appearing in the petition in the suit, and the total  
29 amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and  
30 costs, all as set out in said judgment and described in each case, respectively, as follows: (Here  
31 set out the respective serial numbers, descriptions, names and total amounts of each judgment,  
32 next above referred to.) and,

33 WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to  
34 satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

35 NOW, THEREFORE,

36 Public Notice is hereby given that I . . . . ., Sheriff of . . . . . County,  
37 Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for  
38 cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the . . . . . front door of  
39 the . . . . . County Courthouse in . . . . ., Missouri, on . . . . ., the . . . . . day of . . . . ., 20..,  
40 and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel  
41 of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel  
42 shall be sold to the Land Trust of . . . . . (insert name of County), Missouri or Land Bank of the  
43 City of . . . . . (insert name of municipality), Missouri.

44 Any bid received shall be subject to confirmation by the court.

45 . . . . .  
46 Sheriff of . . . . .  
47 County, Missouri

48 . . . . .

49 Delinquent Land Tax Attorney

50 Address: . . . . .

51 First Publication . . . . ., 20. . .

52           3. Such advertisement shall be published four times, once a week, upon the same day of  
53 each week during successive weeks prior to the date of such sale, in a daily newspaper of general  
54 circulation regularly published in the county, qualified according to law for the publication of  
55 public notices and advertisements.

56           4. In addition to the provisions herein for notice and advertisement of sale, the county  
57 collector shall enter upon the property subject to foreclosure of these tax liens and post a written  
58 informational notice in any conspicuous location thereon. This notice shall describe the property  
59 and advise that it is the subject of delinquent land tax collection proceedings before the circuit  
60 court brought pursuant to sections 141.210 to 141.810 **and 141.980 to 141.1015** and that it may  
61 be sold for the payment of delinquent taxes at a sale to be held at ten o'clock a.m., date and place,  
62 and shall also contain a file number and the address and phone number of the collector. If the  
63 collector chooses to post such notices as authorized by this subsection, such posting must be  
64 made not later than the fourteenth day prior to the date of the sale.

65           5. The collector shall, concurrently with the beginning of the publication of sale, cause  
66 to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief  
67 notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to  
68 sections 141.210 to 141.810 **and 141.980 to 141.1015**, to the persons named in the petition as  
69 being the last known persons in whose names tax bills affecting the respective parcels of real  
70 estate described in said petition were last billed or charged on the books of the collector, or the  
71 last known owner of record, if different, and to the addresses of said persons upon said records  
72 of the collector. The terms "restricted", "registered" or "certified mail" as used in this section  
73 mean mail which carries on the face thereof in a conspicuous place, where it will not be  
74 obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires  
75 a return receipt or a statement by the postal authorities that the addressee refused to receive and  
76 receipt for such mail. If the notice is returned to the collector by the postal authorities as  
77 undeliverable for reasons other than the refusal by the addressee to receive and receipt for the  
78 notice as shown by the return receipt, then the collector shall make a search of the records  
79 maintained by the county, including those kept by the recorder of deeds, to discern the name and  
80 address of any person who, from such records, appears as a successor to the person to whom the  
81 original notice was addressed, and to cause another notice to be mailed to such person. The  
82 collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit  
83 reciting to the court any name, address and serial number of the tract of real estate affected of any  
84 such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt  
85 for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name  
86 or address does not appear on the records of the collector, then of that fact. The affidavit in  
87 addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

6. The collector may, at his or her option, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if known, of the respective parcels of real estate described in said petition, and to the addressee of such mortgagee or security holder according to the records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any security holder who, from such records, appears as a successor to the security holder to whom the original notice was addressed, and to cause another notice to be mailed to such security holder. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected by any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, and stating the reason for the nondelivery of such notice.

EXPLANATION: BASED ON A 2008 COURT DECISION, THE INTERSECTIONAL REFERENCE IN SUBSECTION 1 OF THIS SECTION IS INACCURATE:

143.811. 1. Under regulations prescribed by the director of revenue, interest shall be allowed and paid at the rate determined by section [32.065] **32.068** on any overpayment in respect of the tax imposed by sections 143.011 to 143.996; except that, where the overpayment resulted from the filing of an amendment of the tax by the taxpayer after the last day prescribed for the filing of the return, interest shall be allowed and paid at the rate of six percent per annum. With respect to the part of an overpayment attributable to a deposit made pursuant to subsection 2 of section 143.631, interest shall be paid thereon at the rate in section [32.065] **32.068** from the date of the deposit to the date of refund. No interest shall be allowed or paid if the amount thereof is less than one dollar.

2. For purposes of this section:

11 (1) Any return filed before the last day prescribed for the filing thereof shall be  
12 considered as filed on such last day determined without regard to any extension of time granted  
13 the taxpayer;

14 (2) Any tax paid by the taxpayer before the last day prescribed for its payment, any  
15 income tax withheld from the taxpayer during any calendar year, and any amount paid by the  
16 taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by him  
17 on the fifteenth day of the fourth month following the close of his taxable year to which such  
18 amount constitutes a credit or payment.

19 3. For purposes of this section with respect to any withholding tax:

20 (1) If a return for any period ending with or within a calendar year is filed before April  
21 fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of  
22 such succeeding calendar year; and

23 (2) If a tax with respect to remuneration paid during any period ending with or within  
24 a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be  
25 considered paid on April fifteenth of such succeeding calendar year.

26 4. If any overpayment of tax imposed by sections 143.061 and 143.071 is refunded  
27 within four months after the last date prescribed (or permitted by extension of time) for filing the  
28 return of such tax or within four months after the return was filed, whichever is later, no interest  
29 shall be allowed under this section on overpayment.

30 5. If any overpayment of tax imposed by sections 143.011 and 143.041 is refunded  
31 within forty-five days after the date the return or claim is filed, no interest shall be allowed under  
32 this section on overpayment.

33 6. Any overpayment resulting from a carryback, including a net operating loss and a  
34 corporate capital loss, shall be deemed not to have been made prior to the close of the taxable  
35 year in which the loss arises.

36 7. Any overpayment resulting from a carryback of a tax credit, including but not limited  
37 to the tax credits provided in sections 253.557 and 348.432, shall be deemed not to have been  
38 made prior to the close of the taxable year in which the tax credit was authorized.

39

40 EXPLANATION: SUBDIVISION (4) OF SUBSECTION 2 IS MOVED TO SUBDIVISION  
41 (44) OF SUBSECTION 2 TO PREVENT NUMEROUS DEPARTMENT OF REVENUE  
42 FORMS FROM BECOMING OBSOLETE:

144.030. 1. There is hereby specifically exempted from the provisions of sections  
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to  
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and  
4 any other state of the United States, or between this state and any foreign country, and any retail

5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws  
6 of the United States of America, and such retail sales of tangible personal property which the  
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the  
8 constitution of this state.

9       2. There are also specifically exempted from the provisions of the local sales tax law as  
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to  
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local  
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and  
13 144.600 to 144.745:

14       (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of  
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be  
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing  
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into  
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or  
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will  
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at  
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide  
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the  
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,  
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which  
25 are to be sold ultimately in processed form at retail;

26       (2) Materials, manufactured goods, machinery and parts which when used in  
27 manufacturing, processing, compounding, mining, producing or fabricating become a component  
28 part or ingredient of the new personal property resulting from such manufacturing, processing,  
29 compounding, mining, producing or fabricating and which new personal property is intended to  
30 be sold ultimately for final use or consumption; and materials, including without limitation,  
31 gases and manufactured goods, including without limitation slagging materials and firebrick,  
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting  
33 with or by becoming, in whole or in part, component parts or ingredients of steel products  
34 intended to be sold ultimately for final use or consumption;

35       (3) Materials, replacement parts and equipment purchased for use directly upon, and for  
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock  
37 or aircraft engaged as common carriers of persons or property;

38       (4) [Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers  
39 pulled by such motor vehicles, that are actually used in the normal course of business to haul  
40 property on the public highways of the state, and that are capable of hauling loads commensurate

41 with the motor vehicle's registered weight; and the materials, replacement parts, and equipment  
42 purchased for use directly upon, and for the repair and maintenance or manufacture of such  
43 vehicles. For purposes of this subdivision, "motor vehicle" and "public highway" shall have the  
44 meaning as ascribed in section 390.020;

45       (5)] Replacement machinery, equipment, and parts and the materials and supplies solely  
46 required for the installation or construction of such replacement machinery, equipment, and  
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is  
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and  
49 the materials and supplies required solely for the operation, installation or construction of such  
50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,  
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material  
52 recovery processing plant" means a facility that has as its primary purpose the recovery of  
53 materials into a usable product or a different form which is used in producing a new product and  
54 shall include a facility or equipment which are used exclusively for the collection of recovered  
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles  
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have  
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials  
58 within a manufacturing process or the use of a product previously recovered. The material  
59 recovery processing plant shall qualify under the provisions of this section regardless of  
60 ownership of the material being recovered;

61       [(6)] (5) Machinery and equipment, and parts and the materials and supplies solely  
62 required for the installation or construction of such machinery and equipment, purchased and  
63 used to establish new or to expand existing manufacturing, mining or fabricating plants in the  
64 state if such machinery and equipment is used directly in manufacturing, mining or fabricating  
65 a product which is intended to be sold ultimately for final use or consumption;

66       [(7)] (6) Tangible personal property which is used exclusively in the manufacturing,  
67 processing, modification or assembling of products sold to the United States government or to  
68 any agency of the United States government;

69       [(8)] (7) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70       [(9)] (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates  
71 and other machinery, equipment, replacement parts and supplies used in producing newspapers  
72 published for dissemination of news to the general public;

73       [(10)] (9) The rentals of films, records or any type of sound or picture transcriptions for  
74 public commercial display;

75       [(11)] (10) Pumping machinery and equipment used to propel products delivered by  
76 pipelines engaged as common carriers;



77           [(12)] **(11)** Railroad rolling stock for use in transporting persons or property in interstate  
78 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or  
79 more or trailers used by common carriers, as defined in section 390.020, in the transportation of  
80 persons or property;

81           [(13)] **(12)** Electrical energy used in the actual primary manufacture, processing,  
82 compounding, mining or producing of a product, or electrical energy used in the actual secondary  
83 processing or fabricating of the product, or a material recovery processing plant as defined in  
84 subdivision [(5)] **(4)** of this subsection, in facilities owned or leased by the taxpayer, if the total  
85 cost of electrical energy so used exceeds ten percent of the total cost of production, either  
86 primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials  
87 used in such processing contain at least twenty-five percent recovered materials as defined in  
88 section 260.200. There shall be a rebuttable presumption that the raw materials used in the  
89 primary manufacture of automobiles contain at least twenty-five percent recovered materials.  
90 For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts  
91 performed upon materials to transform and reduce them to a different state or thing, including  
92 treatment necessary to maintain or preserve such processing by the producer at the production  
93 facility;

94           [(14)] **(13)** Anodes which are used or consumed in manufacturing, processing,  
95 compounding, mining, producing or fabricating and which have a useful life of less than one  
96 year;

97           [(15)] **(14)** Machinery, equipment, appliances and devices purchased or leased and used  
98 solely for the purpose of preventing, abating or monitoring air pollution, and materials and  
99 supplies solely required for the installation, construction or reconstruction of such machinery,  
100 equipment, appliances and devices;

101           [(16)] **(15)** Machinery, equipment, appliances and devices purchased or leased and used  
102 solely for the purpose of preventing, abating or monitoring water pollution, and materials and  
103 supplies solely required for the installation, construction or reconstruction of such machinery,  
104 equipment, appliances and devices;

105           [(17)] **(16)** Tangible personal property purchased by a rural water district;

106           [(18)] **(17)** All amounts paid or charged for admission or participation or other fees paid  
107 by or other charges to individuals in or for any place of amusement, entertainment or recreation,  
108 games or athletic events, including museums, fairs, zoos and planetariums, owned or operated  
109 by a municipality or other political subdivision where all the proceeds derived therefrom benefit  
110 the municipality or other political subdivision and do not inure to any private person, firm, or  
111 corporation, provided, however, that a municipality or other political subdivision may enter into  
112 revenue-sharing agreements with private persons, firms, or corporations providing goods or

113 services, including management services, in or for the place of amusement, entertainment or  
114 recreation, games or athletic events, and provided further that nothing in this subdivision shall  
115 exempt from tax any amounts retained by any private person, firm, or corporation under such  
116 revenue-sharing agreement;

117       [(19)] **(18)** All sales of insulin and prosthetic or orthopedic devices as defined on January  
118 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of  
119 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically  
120 including hearing aids and hearing aid supplies and all sales of drugs which may be legally  
121 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to  
122 administer those items, including samples and materials used to manufacture samples which may  
123 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of  
124 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and  
125 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille  
126 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with  
127 one or more physical or mental disabilities to enable them to function more independently, all  
128 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic  
129 alternative and augmentative communication devices, and items used solely to modify motor  
130 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of  
131 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by  
132 the Food and Drug Administration to meet the over-the-counter drug product labeling  
133 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner  
134 licensed to prescribe;

135       [(20)] **(19)** All sales made by or to religious and charitable organizations and institutions  
136 in their religious, charitable or educational functions and activities and all sales made by or to  
137 all elementary and secondary schools operated at public expense in their educational functions  
138 and activities;

139       [(21)] **(20)** All sales of aircraft to common carriers for storage or for use in interstate  
140 commerce and all sales made by or to not-for-profit civic, social, service or fraternal  
141 organizations, including fraternal organizations which have been declared tax-exempt  
142 organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as  
143 amended, in their civic or charitable functions and activities and all sales made to eleemosynary  
144 and penal institutions and industries of the state, and all sales made to any private not-for-profit  
145 institution of higher education not otherwise excluded pursuant to subdivision [(20)] **(19)** of this  
146 subsection or any institution of higher education supported by public funds, and all sales made  
147 to a state relief agency in the exercise of relief functions and activities;

148           [(22)] **(21)** All ticket sales made by benevolent, scientific and educational associations  
149 which are formed to foster, encourage, and promote progress and improvement in the science  
150 of agriculture and in the raising and breeding of animals, and by nonprofit summer theater  
151 organizations if such organizations are exempt from federal tax pursuant to the provisions of the  
152 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any  
153 fair conducted by a county agricultural and mechanical society organized and operated pursuant  
154 to sections 262.290 to 262.530;

155           [(23)] **(22)** All sales made to any private not-for-profit elementary or secondary school,  
156 all sales of feed additives, medications or vaccines administered to livestock or poultry in the  
157 production of food or fiber, all sales of pesticides used in the production of crops, livestock or  
158 poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for  
159 food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for  
160 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel  
161 ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible  
162 new generation cooperative or an eligible new generation processing entity as defined in section  
163 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and  
164 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed  
165 additives" means tangible personal property which, when mixed with feed for livestock or  
166 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term  
167 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted  
168 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark  
169 the application of pesticides and herbicides for the production of crops, livestock or poultry. As  
170 used in this subdivision, the term "farm machinery and equipment" means new or used farm  
171 tractors and such other new or used farm machinery and equipment and repair or replacement  
172 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary  
173 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,  
174 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,  
175 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and  
176 one-half of each purchaser's purchase of diesel fuel therefor which is:

- 177           (a) Used exclusively for agricultural purposes;  
178           (b) Used on land owned or leased for the purpose of producing farm products; and  
179           (c) Used directly in producing farm products to be sold ultimately in processed form or  
180 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold  
181 ultimately in processed form at retail;

182           [(24)] **(23)** Except as otherwise provided in section 144.032, all sales of metered water  
183 service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home

184 heating oil for domestic use and in any city not within a county, all sales of metered or unmetered  
185 water service for domestic use:

186 (a) "Domestic use" means that portion of metered water service, electricity, electrical  
187 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not  
188 within a county, metered or unmetered water service, which an individual occupant of a  
189 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility  
190 service through a single or master meter for residential apartments or condominiums, including  
191 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.  
192 Each seller shall establish and maintain a system whereby individual purchases are determined  
193 as exempt or nonexempt;

194 (b) Regulated utility sellers shall determine whether individual purchases are exempt or  
195 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file  
196 with and approved by the Missouri public service commission. Sales and purchases made  
197 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf  
198 of the occupants of residential apartments or condominiums through a single or master meter,  
199 including service for common areas and facilities and vacant units, shall be considered as sales  
200 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales  
201 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility  
202 service rate classification and the provision of service thereunder shall be conclusive as to  
203 whether or not the utility must charge sales tax;

204 (c) Each person making domestic use purchases of services or property and who uses any  
205 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day  
206 of the fourth month following the year of purchase, and without assessment, notice or demand,  
207 file a return and pay sales tax on that portion of nondomestic purchases. Each person making  
208 nondomestic purchases of services or property and who uses any portion of the services or  
209 property so purchased for domestic use, and each person making domestic purchases on behalf  
210 of occupants of residential apartments or condominiums through a single or master meter,  
211 including service for common areas and facilities and vacant units, under a nonresidential utility  
212 service rate classification may, between the first day of the first month and the fifteenth day of  
213 the fourth month following the year of purchase, apply for credit or refund to the director of  
214 revenue and the director shall give credit or make refund for taxes paid on the domestic use  
215 portion of the purchase. The person making such purchases on behalf of occupants of residential  
216 apartments or condominiums shall have standing to apply to the director of revenue for such  
217 credit or refund;

218           [(25)] **(24)** All sales of handicraft items made by the seller or the seller's spouse if the  
219 seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from  
220 such sales do not constitute a majority of the annual gross income of the seller;

221           [(26)] **(25)** Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,]  
222 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The  
223 director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local  
224 sales taxes on such excise taxes;

225           [(27)] **(26)** Sales of fuel consumed or used in the operation of ships, barges, or  
226 waterborne vessels which are used primarily in or for the transportation of property or cargo, or  
227 the conveyance of persons for hire, on navigable rivers bordering on or located in part in this  
228 state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel  
229 while it is afloat upon such river;

230           [(28)] **(27)** All sales made to an interstate compact agency created pursuant to sections  
231 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities  
232 of such agency as provided pursuant to the compact;

233           [(29)] **(28)** Computers, computer software and computer security systems purchased for  
234 use by architectural or engineering firms headquartered in this state. For the purposes of this  
235 subdivision, "headquartered in this state" means the office for the administrative management  
236 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

237           [(30)] **(29)** All livestock sales when either the seller is engaged in the growing,  
238 producing or feeding of such livestock, or the seller is engaged in the business of buying and  
239 selling, bartering or leasing of such livestock;

240           [(31)] **(30)** All sales of barges which are to be used primarily in the transportation of  
241 property or cargo on interstate waterways;

242           [(32)] **(31)** Electrical energy or gas, whether natural, artificial or propane, water, or other  
243 utilities which are ultimately consumed in connection with the manufacturing of cellular glass  
244 products or in any material recovery processing plant as defined in subdivision [(5)] **(4)** of this  
245 subsection;

246           [(33)] **(32)** Notwithstanding other provisions of law to the contrary, all sales of pesticides  
247 or herbicides used in the production of crops, aquaculture, livestock or poultry;

248           [(34)] **(33)** Tangible personal property and utilities purchased for use or consumption  
249 directly or exclusively in the research and development of agricultural/biotechnology and plant  
250 genomics products and prescription pharmaceuticals consumed by humans or animals;

251           [(35)] **(34)** All sales of grain bins for storage of grain for resale;

252        [(36)] **(35)** All sales of feed which are developed for and used in the feeding of pets  
253 owned by a commercial breeder when such sales are made to a commercial breeder, as defined  
254 in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

255        [(37)] **(36)** All purchases by a contractor on behalf of an entity located in another state,  
256 provided that the entity is authorized to issue a certificate of exemption for purchases to a  
257 contractor under the provisions of that state's laws. For purposes of this subdivision, the term  
258 "certificate of exemption" shall mean any document evidencing that the entity is exempt from  
259 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.  
260 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's  
261 exemption certificate as evidence of the exemption. If the exemption certificate issued by the  
262 exempt entity to the contractor is later determined by the director of revenue to be invalid for any  
263 reason and the contractor has accepted the certificate in good faith, neither the contractor or the  
264 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result  
265 of use of the invalid exemption certificate. Materials shall be exempt from all state and local  
266 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible  
267 personal property which is used in fulfilling a contract for the purpose of constructing, repairing  
268 or remodeling facilities for the following:

269        (a) An exempt entity located in this state, if the entity is one of those entities able to issue  
270 project exemption certificates in accordance with the provisions of section 144.062; or

271        (b) An exempt entity located outside the state if the exempt entity is authorized to issue  
272 an exemption certificate to contractors in accordance with the provisions of that state's law and  
273 the applicable provisions of this section;

274        [(38)] **(37)** All sales or other transfers of tangible personal property to a lessor who leases  
275 the property under a lease of one year or longer executed or in effect at the time of the sale or  
276 other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or  
277 sections 238.010 to 238.100;

278        [(39)] **(38)** Sales of tickets to any collegiate athletic championship event that is held in  
279 a facility owned or operated by a governmental authority or commission, a quasi-governmental  
280 agency, a state university or college or by the state or any political subdivision thereof, including  
281 a municipality, and that is played on a neutral site and may reasonably be played at a site located  
282 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that  
283 is not located on the campus of a conference member institution participating in the event;

284        [(40)] **(39)** All purchases by a sports complex authority created under section 64.920, and  
285 all sales of utilities by such authority at the authority's cost that are consumed in connection with  
286 the operation of a sports complex leased to a professional sports team;

287           [(41)] **(40)** All materials, replacement parts, and equipment purchased for use directly  
288 upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power  
289 plants, and aircraft accessories;

290           [(42)] **(41)** Sales of sporting clays, wobble, skeet, and trap targets to any shooting range  
291 or similar places of business for use in the normal course of business and money received by a  
292 shooting range or similar places of business from patrons and held by a shooting range or similar  
293 place of business for redistribution to patrons at the conclusion of a shooting event;

294           [(43)] **(42)** All sales of motor fuel, as defined in section 142.800, used in any watercraft,  
295 as defined in section 306.010;

296           [(44)] **(43)** Any new or used aircraft sold or delivered in this state to a person who is not  
297 a resident of this state or a corporation that is not incorporated in this state, and such aircraft is  
298 not to be based in this state and shall not remain in this state more than ten business days  
299 subsequent to the last to occur of:

300           (a) The transfer of title to the aircraft to a person who is not a resident of this state or a  
301 corporation that is not incorporated in this state; or

302           (b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for  
303 any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that  
304 are completed contemporaneously with the transfer of title to the aircraft to a person who is not  
305 a resident of this state or a corporation that is not incorporated in this state;

306           **(44) Motor vehicles registered in excess of fifty-four thousand pounds, and the**  
307 **trailers pulled by such motor vehicles, that are actually used in the normal course of**  
308 **business to haul property on the public highways of the state, and that are capable of**  
309 **hauling loads commensurate with the motor vehicle's registered weight; and the materials,**  
310 **replacement parts, and equipment purchased for use directly upon, and for the repair and**  
311 **maintenance or manufacture of such vehicles. For purposes of this subdivision "motor**  
312 **vehicle" and "public highway" shall have the meaning as ascribed in section 390.020.**

313           3. Any ruling, agreement, or contract, whether written or oral, express or implied,  
314 between a person and this state's executive branch, or any other state agency or department,  
315 stating, agreeing, or ruling that such person is not required to collect sales and use tax in this  
316 state despite the presence of a warehouse, distribution center, or fulfillment center in this state  
317 that is owned or operated by the person or an affiliated person shall be null and void unless it is  
318 specifically approved by a majority vote of each of the houses of the general assembly. For  
319 purposes of this subsection, an "affiliated person" means any person that is a member of the same  
320 controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of  
321 1986, as amended, as the vendor or any other entity that, notwithstanding its form of  
322 organization, bears the same ownership relationship to the vendor as a corporation that is a

323 member of the same controlled group of corporations as defined in Section 1563(a) of the  
324 Internal Revenue Code, as amended.

325

326 EXPLANATION: AN INACCURATE INTERSECTIONAL REFERENCE ENACTED IN  
327 2015 IS CHANGED AND THE LANGUAGE FOR A CERTAIN DEFINED TERM IS  
328 CHANGED TO BE CONSISTENT WITH ITS DEFINITION:

144.810. 1. As used in this section, unless the context clearly indicates otherwise, the  
2 following terms mean:

3 (1) "Commencement of commercial operations", shall be deemed to occur during the  
4 first calendar year for which the data storage center is first available for use by the operating  
5 taxpayer, or first capable of being used by the operating taxpayer, as a data storage center;

6 (2) "Constructing taxpayer", if more than one taxpayer is responsible for a project, the  
7 taxpayer responsible for the construction of the facility, as opposed to the taxpayer responsible  
8 for the ongoing operations of the facility;

9 (3) "County average wage", the average wages in each county as determined by the  
10 department of **economic development** for the most recently completed full calendar year.  
11 However, if the computed county average wage is above the statewide average wage, the  
12 statewide average wage shall be deemed the county average wage for such county for the purpose  
13 of determining eligibility;

14 (4) "Data storage center" or "facility", a facility constructed, extended, improved, or  
15 operating under this section, provided that such business facility is engaged primarily in:

16 (a) Data processing, hosting, and related services (NAICS 518210); or

17 (b) Internet publishing and broadcasting and web search portals (NAICS 519130) at the  
18 business facility;

19 (5) "Existing facility", an operational data storage center in this state as it existed prior  
20 to August 28, 2015, as determined by the department;

21 (6) "Expanding facility" or "expanding data storage center", an existing facility or  
22 replacement facility that expands its operations in this state on or after August 28, 2015, and has  
23 net new investment related to the expansion of operations in this state of at least five million  
24 dollars during a period of up to twelve consecutive months and results in the creation of at least  
25 five new jobs during a period of up to twenty-four consecutive months from the date of  
26 conditional approval for an exemption under this section, if the average wage of the new jobs  
27 equals or exceeds one hundred fifty percent of the county average wage. An expanding facility  
28 shall continue to be an expanding facility regardless of a subsequent change in or addition of  
29 operating taxpayers or constructing taxpayers;



30 (7) "Expanding facility project" or "expanding data storage center project", the  
31 construction, extension, improvement, equipping, and operation of an expanding facility;

32 (8) "Investment", shall include the value of real and depreciable personal property,  
33 acquired as part of the new or expanding facility project which is used in the operation of the  
34 facility following conditional approval of an exemption under this section;

35 (9) "NAICS", the 2007 edition of the North American Industry Classification System as  
36 prepared by the Executive Office of the President, Office of Management and Budget. Any  
37 NAICS sector, subsector, industry group, or industry identified in this section shall include its  
38 corresponding classification in previous and subsequent federal industry classification systems;

39 (10) "New data storage center project" or "new facility project", the construction,  
40 extension, improvement, equipping, and operation of a new facility;

41 (11) "New facility" or "new data storage center", a facility in this state meeting the  
42 following requirements:

43 (a) The facility is acquired by or leased to an operating taxpayer on or after August 28,  
44 2015. A facility shall be deemed to have been acquired by or leased to an operating taxpayer on  
45 or after August 28, 2015, if the transfer of title to an operating taxpayer, the transfer of  
46 possession under a binding contract to transfer title to an operating taxpayer, or an operating  
47 taxpayer takes possession of the facility under the terms of the lease on or after August 28, 2015,  
48 or if the facility is constructed, erected, or installed by or on behalf of an operating taxpayer, such  
49 construction, erection, or installation is completed on or after August 28, 2015;

50 (b) Such facility is not an expanding or replacement facility, as defined in this section;

51 (c) The new facility project investment is at least twenty-five million dollars during a  
52 period of up to thirty-six consecutive months from the date of the conditional approval for an  
53 exemption under this section. If more than one taxpayer is responsible for a project, the  
54 investment requirement may be met by an operating taxpayer, a constructing taxpayer, or a  
55 combination of constructing taxpayers and operating taxpayers; and

56 (d) At least ten new jobs are created at the new facility during a period of up to thirty-six  
57 consecutive months from the date of conditional approval for an exemption under this section  
58 if the average wage of the new jobs equals or exceeds one hundred fifty percent of the county  
59 average wage;

60

61 Any facility which was acquired by an operating or constructing taxpayer from another person  
62 or persons on or after August 28, 2015, and such facility was employed prior to August 28, 2015,  
63 by any other person or persons in the operation of a data storage center shall not be considered  
64 a new facility. A new facility shall continue to be a new facility regardless of a subsequent  
65 change in or addition of operating taxpayers or constructing taxpayers;

66 (12) "New job", in the case of a new data **storage** center project, the total number of  
67 full-time employees located at a new data storage center for a period of up to thirty-six  
68 consecutive months from the date of conditional approval for an exemption under this section.  
69 In the case of an expanding data storage center project, the total number of full-time employees  
70 located at the expanding data storage center that exceeds the greater of the number of full-time  
71 employees located at the project facility on the date of the submission of a project plan under this  
72 section or for the twelve-month period prior to the date of the submission of a project plan, the  
73 average number of full-time employees located at the expanding data storage center facility. In  
74 the event the expanding data storage center facility has not been in operation for a full  
75 twelve-month period at the time of the submission of a project plan, the total number of full-time  
76 employees located at the expanded data storage center that exceeds the greater of the number of  
77 full-time employees located at the project facility on the date of the submission of a project plan  
78 under this section or the average number of full-time employees for the number of months the  
79 expanding data storage center facility has been in operation prior to the date of the submission  
80 of the project plan;

81 (13) "Notice of intent", a form developed by the department of economic development,  
82 completed by the project taxpayer, and submitted to the department, which states the project  
83 taxpayer's intent to construct or expand a data center and request the exemptions under this  
84 program;

85 (14) "Operating taxpayer", if more than one taxpayer is responsible for a project, the  
86 taxpayer responsible for the ongoing operations of the facility, as opposed to the taxpayer  
87 responsible for the purchasing or construction of the facility;

88 (15) "Project taxpayers", each constructing taxpayer and each operating taxpayer for a  
89 data storage center project;

90 (16) "Replacement facility", a facility in this state otherwise described in subdivision  
91 [(7)] (6) of this subsection, but which replaces another facility located within the state, which the  
92 taxpayer or a related taxpayer previously operated but discontinued operating within one year  
93 prior to the commencement of commercial operations at the new facility;

94 (17) "Taxpayer", the purchaser of tangible personal property or a service that is subject  
95 to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer  
96 shall not mean the seller charged by law with collecting the sales tax from the purchaser.

97 2. In addition to the exemptions granted under this chapter, project taxpayers for a new  
98 data storage center project shall be entitled, for a project period not to exceed fifteen years from  
99 the date of conditional approval under this section and subject to the requirements of subsection  
100 3 of this section, to an exemption of one hundred percent of the state and local sales and use  
101 taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections

102 144.600 to 144.761, or section 238.235, limited to the net fiscal benefit of the state calculated  
103 over a ten-year period, on:

104 (1) All electrical energy, gas, water, and other utilities including telecommunication and  
105 internet services used in a new data storage center;

106 (2) All machinery, equipment, and computers used in any new data storage center; and

107 (3) All sales at retail of tangible personal property and materials for the purpose of  
108 constructing any new data storage center.

109

110 The amount of any exemption provided under this subsection shall not exceed the projected net  
111 fiscal benefit to the state over a period of ten years, as determined by the department of economic  
112 development using the Regional Economic Modeling, Inc., data set.

113 3. (1) Any data storage center project seeking a tax exemption under subsection 2 of this  
114 section shall submit a notice of intent and a project plan to the department of economic  
115 development, which shall identify each known constructing taxpayer and known operating  
116 taxpayer for the project and include any additional information the department of economic  
117 development may require to determine eligibility for the exemption. The department of  
118 economic development shall review the project plan and determine whether the project is eligible  
119 for the exemption under subsection 2 of this section, conditional upon subsequent verification  
120 by the department that the project meets the requirements in subsection 1 of this section for a  
121 new facility project. The department shall make such conditional determination within thirty  
122 days of submission by the operating taxpayer. Failure of the department to respond within thirty  
123 days shall result in a project plan being deemed conditionally approved.

124 (2) The department of economic development shall convey conditional approvals to the  
125 department of revenue and the identified project taxpayers. After a conditionally approved new  
126 facility has met the requirements in subsection 1 of this section for a new facility and the  
127 execution of the agreement specified in subsection 6 of this section, the project taxpayers shall  
128 provide proof of the same to the department of economic development. Upon verification of  
129 such proof, the department of economic development shall certify the new facility to the  
130 department of revenue as being eligible for the exemption dating retroactively to the first day of  
131 construction on the new facility. The department of revenue, upon receipt of adequate proof of  
132 the amount of sales taxes paid since the first day of construction, shall issue a refund of taxes  
133 paid but eligible for exemption under subsection 2 of this section to each operating taxpayer and  
134 each constructing taxpayer and issue a certificate of exemption to each new project taxpayer for  
135 ongoing exemptions under subsection 2 of this section. The department of revenue shall issue  
136 such a refund within thirty days of receipt of certification from the department of economic  
137 development.

(3) The commencement of the exemption period may be delayed at the option of the operating taxpayer, but not more than twenty-four months after the execution of the agreement required under subsection 6 of this section.

4. In addition to the exemptions granted under this chapter, upon approval by the department of economic development, project taxpayers for expanding data **storage** center projects may, for a period not to exceed ten years, be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235 on:

(1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in an expanding data storage center which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other utilities including telecommunication and internet services used in the existing facility or the replaced facility prior to the expansion. For purposes of this subdivision only, "amount" shall be measured in kilowatt hours, gallons, cubic feet, or other measures applicable to a utility service as opposed to in dollars, to account for increases in utility rates;

(2) All machinery, equipment, and computers used in any expanding data storage center; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development using the Regional Economic Modeling, Inc., data set or comparable data.

5. (1) Any data storage center project seeking a tax exemption under subsection 4 of this section shall submit a notice of intent and a project plan to the department of economic development, which shall identify each known constructing taxpayer and each known operating taxpayer for the project and include any additional information the department of economic development may reasonably require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible for the exemption under subsection 4 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for an expanding facility project and the execution of the agreement specified in subsection 6 of this section. The department shall make such conditional determination within thirty days of submission by the operating taxpayer. Failure of the department to respond within thirty days shall result in a project plan being deemed conditionally approved.

173           (2) The department of economic development shall convey such conditional approval  
174 to the department of revenue and the identified project taxpayers. After a conditionally approved  
175 facility has met the requirements in subsection 1 of this section, the project taxpayers shall  
176 provide proof of the same to the department of economic development. Upon verification of  
177 such proof, the department of economic development shall certify the project to the department  
178 of revenue as being eligible for the exemption dating retroactively to the first day of the  
179 expansion of the facility. The department of revenue, upon receipt of adequate proof of the  
180 amount of sales taxes paid since the first day of the expansion of the facility, shall issue a refund  
181 of taxes paid but eligible for exemption under subsection 4 of this section to any applicable  
182 project taxpayer and issue a certificate of exemption to any applicable project taxpayer for  
183 ongoing exemptions under subsection 4 of this section. The department of revenue shall issue  
184 such a refund within thirty days of receipt of certification from the department of economic  
185 development.

186           (3) The commencement of the exemption period may be delayed at the option of the  
187 operating taxpayer, but not more than twenty-four months after the execution of the agreement  
188 required under subsection 6 of this section.

189           6. (1) The exemptions in subsections 2 and 4 of this section shall be tied to the new or  
190 expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer  
191 an operating or constructing taxpayer of the new or expanding facility project shall be invalid  
192 as of the date the taxpayer was no longer an operating or constructing taxpayer of the new or  
193 expanding facility project. New certificates of exemption shall be issued to successor  
194 constructing taxpayers and operating taxpayers at such new or expanding facility projects. The  
195 right to the exemption by successor taxpayers shall exist without regard to subsequent levels of  
196 investment in the new or expanding facility by successor taxpayers.

197           (2) As a condition of receiving an exemption under subsection 2 or 4 of this section, the  
198 project taxpayers shall enter into an agreement with the department of economic development  
199 providing for repayment penalties in the event the data storage center project fails to comply with  
200 any of the requirements of this section.

201           (3) The department of revenue shall credit any amounts remitted by the project taxpayers  
202 under this subsection to the fund to which the sales and use taxes exempted would have  
203 otherwise been credited.

204           7. Any project taxpayer who submits a notice of intent to the department of economic  
205 development to expand a new facility by additional construction, extension, improvement, or  
206 equipping within five years of the date the new facility became operational shall be entitled to  
207 request the department undertake an additional analysis to determine the projected net fiscal  
208 benefit of the expansion to the state over a period of ten years as determined by the department

209 using the Regional Economic Modeling, Inc., data set or comparable data and shall be entitled  
210 to an exemption under this section not to exceed such fiscal benefit to the state for a period of  
211 not to exceed fifteen years.

212 8. The department of economic development and the department of revenue shall  
213 cooperate in conducting random audits to ensure that the intent of this section is followed.

214 9. Notwithstanding any other provision of law to the contrary, no recipient of an  
215 exemption pursuant to this section shall be eligible for benefits under any business recruitment  
216 tax credit, as defined in section 135.800.

217 10. The department of economic development and the department of revenue shall  
218 jointly prescribe such rules and regulations necessary to carry out the provisions of this section.  
219 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the  
220 authority delegated in this section shall become effective only if it complies with and is subject  
221 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
222 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant  
223 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
224 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
225 or adopted after August 28, 2015, shall be invalid and void.

226

227 EXPLANATION: DUE TO THE ELIMINATION OF THE STATE FRANCHISE TAX IN  
228 2016, A TERMINATION DATE IS NECESSARY:

147.020. 1. For each taxable year beginning on or after January 1, 1980, **but ending on**  
2 **or before December 31, 2015**, every corporation liable for the tax prescribed in section 147.010  
3 shall make a report in writing showing the financial condition of the corporation at the beginning  
4 of business on the first day of its taxable year to the director of revenue annually on or before the  
5 due date of the corporation's state income tax return pursuant to chapter 143 in such form as the  
6 director of revenue may prescribe. The report shall be signed by an officer of the corporation.

7 2. For each taxable year beginning on or after January 1, 1980, **but ending on or before**  
8 **December 31, 2015**, if a corporation obtains an extension of time for filing its annual Missouri  
9 income tax return pursuant to section 143.551, such corporation shall also be granted a  
10 corresponding extension of time for filing the report required pursuant to sections 147.010 to  
11 147.120 for its taxable year immediately succeeding the taxable year for which the income tax  
12 extension is granted.

13 3. Every corporation having a transitional year liable for the tax prescribed in section  
14 147.010 shall make a report in writing, showing the financial condition of the corporation at the  
15 beginning of business on the first day of its transitional year, on or before April 15, 1980, in such

16 form as the director may prescribe. The report shall be signed by an officer of the corporation.  
17

18 EXPLANATION: DUE TO THE ELIMINATION OF THE STATE FRANCHISE TAX IN  
19 2016, A TERMINATION DATE IS NECESSARY:

147.050. 1. For each taxable year beginning on or after January 1, 1980, **but ending on**  
2 **or before December 31, 2015**, every corporation organized pursuant to any laws of this state and  
3 every foreign corporation engaged in business in this state and having no shares shall make a  
4 report in writing to the director of revenue, annually, on or before the fifteenth day of the fourth  
5 month of the corporation's taxable year, in the form as the director of revenue may prescribe.

6 2. The report shall be signed by an officer of the corporation, and forwarded to the  
7 director of revenue.

8 3. Every corporation having a transitional year and coming under the provisions of this  
9 section shall make the report required in this section on or before the fifteenth day of April, 1980.  
10

11 EXPLANATION: THE AUTHORITY FOR AUDITS UNDER SUBSECTION 8 OF THIS  
12 SECTION EXPIRED 12-31-13:

161.215. 1. There is hereby created in the state treasury the "Early Childhood  
2 Development, Education and Care Fund" which is created to give parents meaningful choices  
3 and assistance in choosing the child-care and education arrangements that are appropriate for  
4 their family. All interest received on the fund shall be credited to the fund. Notwithstanding the  
5 provisions of section 33.080, moneys in the fund at the end of any biennium shall not be  
6 transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall  
7 be used to support programs that prepare children prior to the age in which they are eligible to  
8 enroll in kindergarten under section 160.053 to enter school ready to learn. All moneys  
9 deposited in the early childhood development, education and care fund shall be annually  
10 appropriated for voluntary early childhood development, education and care programs serving  
11 children in every region of the state not yet enrolled in kindergarten. For fiscal year 2013 and  
12 each subsequent fiscal year, at least thirty-five million dollars of the funds received from the  
13 master settlement agreement, as defined in section 196.1000, shall be deposited in the early  
14 childhood development, education and care fund.

15 2. No less than sixty percent of moneys deposited in the early childhood development,  
16 education and care fund shall be appropriated as provided in this subsection to the department  
17 of elementary and secondary education and to the department of social services to provide early  
18 childhood development, education and care programs through competitive grants to, or contracts  
19 with, governmental or private agencies. Eighty percent of such moneys under the provisions of  
20 this subsection and additional moneys as appropriated by the general assembly shall be

21 appropriated to the department of elementary and secondary education and twenty percent of  
22 such moneys under the provisions of this subsection shall be appropriated to the department of  
23 social services. The departments shall provide public notice and information about the grant  
24 process to potential applicants:

25 (1) Grants or contracts may be provided for:

26 (a) Start-up funds for necessary materials, supplies, equipment and facilities; and

27 (b) Ongoing costs associated with the implementation of a sliding parental fee schedule  
28 based on income;

29 (2) Grant and contract applications shall, at a minimum, include:

30 (a) A funding plan which demonstrates funding from a variety of sources including  
31 parental fees;

32 (b) A child development, education and care plan that is appropriate to meet the needs  
33 of children;

34 (c) The identity of any partner agencies or contractual service providers;

35 (d) Documentation of community input into program development;

36 (e) Demonstration of financial and programmatic accountability on an annual basis;

37 (f) Commitment to state licensure within one year of the initial grant, if funding comes  
38 from the appropriation to the department of elementary and secondary education and  
39 commitment to compliance with the requirements of the department of social services, if funding  
40 comes from the department of social services; and

41 (g) With respect to applications by public schools, the establishment of a parent advisory  
42 committee within each public school program;

43 (3) In awarding grants and contracts under this subdivision, the departments may give  
44 preference to programs which:

45 (a) Are new or expanding programs which increase capacity;

46 (b) Target geographic areas of high need, namely where the ratio of program slots to  
47 children under the age of six in the area is less than the same ratio statewide;

48 (c) Are programs designed for special needs children;

49 (d) Are programs that offer services during nontraditional hours and weekends; or

50 (e) Are programs that serve a high concentration of low-income families.

51 3. No less than ten percent of moneys deposited in the early childhood development,  
52 education and care fund shall be appropriated to the department of social services to provide  
53 early childhood development, education and care programs through child development,  
54 education and care certificates to families whose income does not exceed one hundred  
55 eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. Section  
56 9858c(c)(2)(A) and 42 U.S.C. Section 9858n(2) for the purpose of funding early childhood



57 development, education and care programs as approved by the department of social services. At  
58 a minimum, the certificate shall be of a value per child which is commensurate with the per-child  
59 payment under paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the  
60 grants or contracts. On February first of each year the department shall certify the total amount  
61 of child development, education and care certificates applied for and the unused balance of the  
62 funds shall be released to be used for supplementing the competitive grants and contracts  
63 program authorized under subsection 2 of this section.

64 4. No less than ten percent of moneys deposited in the early childhood development,  
65 education and care fund shall be appropriated to the department of social services to increase  
66 reimbursements to child-care facilities for low-income children that are accredited by a  
67 recognized, early childhood accrediting organization.

68 5. No less than ten percent of the funds deposited in the early childhood development,  
69 education and care fund shall be appropriated to the department of social services to provide  
70 assistance to eligible parents whose family income does not exceed one hundred eighty-five  
71 percent of the federal poverty level who wish to care for their children under three years of age  
72 in the home, to enable such parent to take advantage of early childhood development, education  
73 and care programs for such parent's child or children. At a minimum, the certificate shall be of  
74 a value per child which is commensurate with the per-child payment under paragraph (b) of  
75 subdivision (1) of subsection 2 of this section pertaining to the grants or contracts. The  
76 department of social services shall provide assistance to these parents in the effective use of early  
77 childhood development, education and care tools and methods.

78 6. In setting the value of parental certificates under subsection 3 of this section and  
79 payments under subsection 5 of this section, the department of social services may increase the  
80 value based on the following:

81 (1) The adult caretaker of the children successfully participates in the parents as teachers  
82 program under the provisions of sections 178.691 to 178.699, a training program provided by  
83 the department on early childhood development, education and care, the home-based Head Start  
84 program as defined in 42 U.S.C. Section 9832 or a similar program approved by the department;

85 (2) The adult caretaker consents to and clears a child abuse or neglect screening [under  
86 subdivision (1) of subsection 2 of section 210.152]; and

87 (3) The degree of economic need of the family.

88 7. The department of elementary and secondary education and the department of social  
89 services each shall by rule promulgated under chapter 536 establish guidelines for the  
90 implementation of the early childhood development, education and care programs as provided  
91 in subsections 2 to 6 of this section.

92           8. [The state auditor shall conduct an audit of all moneys in the early childhood  
93 development, education and care fund created in subsection 1 of this section every year  
94 beginning January 1, 2011, and ending on December 31, 2013. The findings of each audit shall  
95 be distributed to the general assembly no later than ten business days after the completion of such  
96 audit.

97           9.] Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
98 under the authority delegated in this section shall become effective only if it complies with and  
99 is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section  
100 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
101 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
102 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
103 or adopted after August 28, 2010, shall be invalid and void.

104

105 EXPLANATION: REMOVES LANGUAGE SUBSECTION 6 REGARDING A ONE-TIME  
106 TRANSFER DURING THE 2014-2015 SCHOOL YEAR:

165.011. 1. The following funds are created for the accounting of all school moneys:  
2 "Teachers' Fund", "Incidental Fund", "Capital Projects Fund" and "Debt Service Fund". The  
3 treasurer of the school district shall open an account for each fund specified in this section, and  
4 all moneys received from the county school fund and all moneys derived from taxation for  
5 teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys  
6 received under section 163.031, and all other moneys received from the state except as herein  
7 provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the  
8 district board of education, except as provided in subsection 5 of section 163.031. Money  
9 received from other districts for transportation and money derived from taxation for incidental  
10 expenses shall be credited to the incidental fund. All money derived from taxation or received  
11 from any other source for the erection of buildings or additions thereto and the remodeling or  
12 reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase  
13 obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other  
14 buildings of any kind, or school furniture, from insurance, from sale of bonds other than  
15 refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived  
16 from the sale or lease of sites, buildings, facilities, furnishings, and equipment by a school  
17 district as authorized under section 177.088 shall be credited to the capital projects fund. Money  
18 derived from taxation for the retirement of bonds and the payment of interest thereon shall be  
19 credited to the debt service fund, which shall be maintained as a separate bank account. Receipts  
20 from delinquent taxes shall be allocated to the several funds on the same basis as receipts from  
21 current taxes, except that where the previous years' obligations of the district would be affected

22 by such distribution, the delinquent taxes shall be distributed according to the tax levies made  
23 for the years in which the obligations were incurred. All refunds received shall be placed to the  
24 credit of the fund from which the original expenditures were made. Money donated to the school  
25 districts shall be placed to the credit of the fund where it can be expended to meet the purpose  
26 for which it was donated and accepted. Money received from any other source whatsoever shall  
27 be placed to the credit of the fund or funds designated by the board.

28         2. The school board may transfer any portion of the unrestricted balance remaining in  
29 the incidental fund to the teachers' fund. Any district that uses an incidental fund transfer to pay  
30 for more than twenty-five percent of the annual certificated compensation obligation of the  
31 district and has an incidental fund balance on June thirtieth in any year in excess of fifty percent  
32 of the combined incidental teachers' fund expenditures for the fiscal year just ended shall be  
33 required to transfer the excess from the incidental fund to the teachers' fund. If a balance remains  
34 in the debt service fund, after the total outstanding indebtedness for which the fund was levied  
35 is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance  
36 remains in the bond proceeds after completion of the project for which the bonds were issued,  
37 the balance shall be transferred from the incidental or capital projects fund to the debt service  
38 fund. After making all placements of interest otherwise provided by law, a school district may  
39 transfer from the capital projects fund to the incidental fund the interest earned from  
40 undesignated balances in the capital projects fund. A school district may borrow from one of the  
41 following funds: teachers' fund, incidental fund, or capital projects fund, as necessary to meet  
42 obligations in another of those funds; provided that the full amount is repaid to the lending fund  
43 within the same fiscal year.

44         3. Tuition shall be paid from either the teachers' or incidental funds. Employee benefits  
45 for certificated staff shall be paid from the teachers' fund.

46         4. Other provisions of law to the contrary notwithstanding, the school board of a school  
47 district that meets the provisions of subsection 5 of section 163.031 may transfer from the  
48 incidental fund to the capital projects fund the sum of:

49             (1) The amount to be expended for transportation equipment that is considered an  
50 allowable cost under state board of education rules for transportation reimbursements during the  
51 current year; plus

52             (2) Any amount necessary to satisfy obligations of the capital projects fund for  
53 state-approved area vocational-technical schools; plus

54             (3) Current year obligations for lease-purchase obligations entered into prior to January  
55 1, 1997; plus

56             (4) The amount necessary to repay costs of one or more guaranteed energy savings  
57 performance contracts to renovate buildings in the school district, provided that the contract is

58 only for energy conservation measures as defined in section 640.651 and provided that the  
59 contract specifies that no payment or total of payments shall be required from the school district  
60 until at least an equal total amount of energy and energy-related operating savings and payments  
61 from the vendor pursuant to the contract have been realized by the school district; plus

62 (5) An amount not to exceed the greater of:

63 (a) One hundred sixty-two thousand three hundred twenty-six dollars; or

64 (b) Seven percent of the state adequacy target multiplied by the district's weighted  
65 average daily attendance,

66

67 provided that transfer amounts in excess of current year obligations of the capital projects fund  
68 authorized under this subdivision may be transferred only by a resolution of the school board  
69 approved by a majority of the board members in office when the resolution is voted on and  
70 identifying the specific capital projects to be funded directly by the district by the transferred  
71 funds and an estimated expenditure date.

72 5. Beginning in the 2006-07 school year, a district meeting the provisions of subsection  
73 5 of section 163.031 and not making the transfer under subdivision (5) of subsection 4 of this  
74 section, nor making payments or expenditures related to obligations made under section 177.088  
75 may transfer from the incidental fund to the debt service fund or the capital projects fund the  
76 greater of:

77 (1) The state aid received in the 2005-06 school year as a result of no more than eighteen  
78 cents of the sum of the debt service and capital projects levy used in the foundation formula and  
79 placed in the respective debt service or capital projects fund, whichever fund had the designated  
80 tax levy; or

81 (2) Five percent of the state adequacy target multiplied by the district's weighted average  
82 daily attendance.

83 6. [A district with territory in a county of the first classification with more than one  
84 hundred fifteen thousand but fewer than one hundred fifty thousand inhabitants that maintains  
85 the district office in a home rule city with more than thirteen thousand five hundred but fewer  
86 than fifteen thousand inhabitants shall be permitted a one-time transfer during school year  
87 2014-15 of unrestricted funds from the incidental fund to the capital projects fund in an amount  
88 that leaves the incidental fund at a balance no lower than twenty percent for the purpose of  
89 constructing capital projects to improve student safety.

90 7.] Beginning in the 2006-07 school year, the department of elementary and secondary  
91 education shall deduct from a school district's state aid calculated pursuant to section 163.031  
92 an amount equal to the amount of any transfer of funds from the incidental fund to the capital  
93 projects fund or debt service fund performed during the previous year in violation of this section;

94 except that the state aid shall be deducted over no more than five school years following the  
95 school year of an unlawful transfer based on a plan from the district approved by the  
96 commissioner of elementary and secondary education.

97 [8.] 7. A school district may transfer unrestricted funds from the capital projects fund to  
98 the incidental fund in any year to avoid becoming financially stressed as defined in subsection  
99 1 of section 161.520. If on June thirtieth of any fiscal year the sum of unrestricted balances in  
100 a school district's incidental fund and teacher's fund is less than twenty percent of the sum of the  
101 school district's expenditures from those funds for the fiscal year ending on that June thirtieth,  
102 the school district may, during the next succeeding fiscal year, transfer to its incidental fund an  
103 amount up to and including the amount of the unrestricted balance in its capital projects fund on  
104 that June thirtieth. For purposes of this subsection, in addition to any other restrictions that may  
105 apply to funds in the school district's capital projects fund, any funds that are derived from the  
106 proceeds of one or more general obligation bond issues shall be considered restricted funds and  
107 shall not be transferred to the school district's incidental fund.

108

109 EXPLANATION: REMOVES OBSOLETE TEXTBOOK LANGUAGE:

170.051. 1. As used in this section, the term "textbook" means workbooks, manuals, or  
2 other books, whether bound or in loose-leaf form, intended for use as a principal source of study  
3 material for a given class or group of students, a copy of which is expected to be available for  
4 the individual use of each pupil in such class or group.

5 2. Each public school board shall purchase and loan free all textbooks for all children  
6 who are enrolled in grades kindergarten through twelve in the public schools of the district, and  
7 may purchase textbooks and instructional materials for prekindergarten students.

8 3. [Only textbooks which are filed with the state board of education pursuant to section  
9 170.061 shall be purchased and loaned under this section. No textbooks shall be purchased or  
10 loaned under this section to be used in any form of religious instruction or worship.

11 4.] Each school board shall purchase from the incidental fund of the district all the new  
12 or used textbooks for all the pupils in all grades and preschool programs of the public schools  
13 of the district. The board may also expend incidental fund moneys to provide supplementary  
14 texts, library and reference books, contractual educational television services, and any other  
15 instructional supplies for all the pupils of the public schools of the district. All books purchased  
16 from district funds are the property of the district but shall be furnished, under rules and  
17 regulations prescribed by the school board, to the pupils without charge, except for abuse or  
18 willful destruction.

19

20 EXPLANATION: REMOVES LANGUAGE WHICH APPLIED ONLY TO FISCAL YEAR  
21 2010:

178.930. 1. [(1) Beginning July 1, 2009, and until June 30, 2010, the department of  
2 elementary and secondary education shall pay monthly, out of the funds appropriated to it for that  
3 purpose, to each sheltered workshop a sum equal to ninety dollars for each standard workweek  
4 (Monday through Friday) of up to and including thirty hours worked during the preceding  
5 calendar month. Eighteen dollars shall be paid for each six-hour or longer day worked by a  
6 handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a  
7 sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays,  
8 the workshop shall receive a percentage of the corresponding amount normally paid based on the  
9 percentage of time worked by the handicapped employee.

10 (2)] Beginning July 1, 2010, and thereafter, the department of elementary and secondary  
11 education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered  
12 workshop a sum equal to ninety-five dollars for each standard workweek (Monday through  
13 Friday) of up to and including thirty hours worked during the preceding calendar month.  
14 Nineteen dollars shall be paid for each six-hour or longer day worked by a handicapped  
15 employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered  
16 workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the  
17 workshop shall receive a percentage of the corresponding amount normally paid based on the  
18 percentage of time worked by the handicapped employee.

19 2. The department shall accept, as prima facie proof of payment due to a sheltered  
20 workshop, information as designated by the department, either in paper or electronic format. A  
21 statement signed by the president, secretary, and manager of the sheltered workshop, setting forth  
22 the dates worked and the number of hours worked each day by each handicapped person  
23 employed by that sheltered workshop during the preceding calendar month, together with any  
24 other information required by the rules or regulations of the department, shall be maintained at  
25 the workshop location.

26 3. There is hereby created in the state treasury the "Sheltered Workshop Per Diem  
27 Revolving Fund" which shall be administered by the commissioner of the department of  
28 elementary and secondary education. All moneys appropriated pursuant to subsection 1 of this  
29 section shall be deposited in the fund and expended as described in subsection 1 of this section.

30 4. The balance of the sheltered workshop per diem revolving fund shall not exceed five  
31 hundred thousand dollars at the end of each fiscal year and shall be exempt from the provisions  
32 of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.  
33 Any unexpended balance in the sheltered workshop per diem revolving fund at the end of each

34 fiscal year exceeding five hundred thousand dollars shall be deposited in the general revenue  
35 fund.

36

37 EXPLANATION: REMOVES AN OBSOLETE REFERENCE TO THE FEDERAL FOOD,  
38 DRUG, AND COSMETIC ACT REPEALED IN 1997:

196.973. As used in sections 196.970 to 196.984, the following terms shall mean:

2 (1) "Health care professional", any of the following persons licensed and authorized to  
3 prescribe and dispense drugs and to provide medical, dental, or other health-related diagnoses,  
4 care, or treatment:

5 (a) A licensed physician or surgeon;

6 (b) A registered nurse or licensed practical nurse;

7 (c) A physician assistant;

8 (d) A dentist;

9 (e) A dental hygienist;

10 (f) An optometrist;

11 (g) A pharmacist; and

12 (h) A podiatrist;

13 (2) "Hospital", the same meaning as such term is defined in section 197.020;

14 (3) "Nonprofit clinic", a facility organized as not for profit in which advice, counseling,  
15 diagnosis, treatment, surgery, care, or services relating to the preservation or maintenance of  
16 health are provided on an outpatient basis for a period of less than twenty-four consecutive hours  
17 to persons not residing or confined at such facility;

18 (4) "Out-of-state charitable repository", any of the following:

19 (a) A bona fide charitable, religious, or nonprofit organization, licensed or registered in  
20 this state as an out-of-state wholesale drug distributor under sections 338.210 to 338.370 and that  
21 otherwise qualifies as an exempt organization under Section 501(c)(3) of Title 26, United States  
22 Code, as amended; or

23 (b) A foreign medical aid mission group that distributes pharmaceuticals and health care  
24 supplies to needy persons abroad;

25 (5) "Prescription drug", a drug which may be dispensed only upon prescription by an  
26 authorized prescriber and which is approved for safety and effectiveness as a prescription drug  
27 under Section 505 [or 507] of the Federal Food, Drug, and Cosmetic Act.

28

29 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
30 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 03-02:

- 208.156. 1. The **family support** division [of family services] **or the MO HealthNet** **division** shall provide for granting an opportunity for a fair hearing under section 208.080 to any applicant or recipient whose claim for medical assistance is denied or is not acted upon with reasonable promptness.
2. Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 whose claim for reimbursement for such services is denied or is not acted upon with reasonable promptness shall be entitled to a hearing before the administrative hearing commission pursuant to the provisions of chapter 621.
3. Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 who is denied participation in any program or programs established under the provisions of chapter 208 shall be entitled to a hearing before the administrative hearing commission pursuant to the provisions of chapter 621.
4. Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 who is aggrieved by any rule or regulation promulgated by the department of social services or any division therein shall be entitled to a hearing before the administrative hearing commission pursuant to the provisions of chapter 621.
5. Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 who is aggrieved by any rule or regulation, contractual agreement, or decision, as provided for in section 208.166, by the department of social services or any division therein shall be entitled to a hearing before the administrative hearing commission pursuant to the provisions of chapter 621.
6. No provider of service may file a petition for a hearing before the administrative hearing commission unless the amount for which he seeks reimbursement exceeds five hundred dollars.
7. One or more providers of service as will fairly insure adequate representation of others having similar claims against the department of social services or any division therein may institute the hearing on behalf of all in the class if there is a common question of law or fact affecting the several rights and a common relief is sought.
8. Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 and who is entitled to a hearing as provided for in the preceding sections shall have thirty days from the date of mailing or delivery of a decision of the department of social services or its designated division in which to file his petition for review with the administrative hearing commission except that claims of less than five hundred dollars may be accumulated until they total that sum and at which time the provider shall have ninety days to file his petition.



36           9. When a person entitled to a hearing as provided for in this section applies to the  
37 administrative hearing commission for a stay order staying the actions of the department of social  
38 services or its divisions, the administrative hearing commission shall not grant such stay order  
39 until after a full hearing on such application. The application shall be advanced on the docket  
40 for immediate hearing and determination. The person applying for such stay order shall not be  
41 granted such stay order unless that person shall show that immediate and irreparable injury, loss,  
42 or damage will result if such stay order is denied, or that such person has a reasonable likelihood  
43 of success upon the merits of his claim; and provided further that no stay order shall be issued  
44 without the person seeking such order posting a bond in such sum as the administrative hearing  
45 commission finds sufficient to protect and preserve the interest of the department of social  
46 services or its divisions. In no event may the administrative hearing commission grant such stay  
47 order where the claim arises under a program or programs funded by federal funds or by any  
48 combination of state and federal funds, unless it is specified in writing by the financial section  
49 of the appropriate federal agency that federal financial participation will be continued under the  
50 stay order.

51           10. The other provisions of this section notwithstanding, a person receiving or providing  
52 benefits shall have the right to bring an action in appealing from the administrative hearing  
53 commission in the circuit court of Cole County, Missouri, or the county of his residence pursuant  
54 to section 536.050.

55

56 EXPLANATION: SUBDIVISION (4) OF SUBSECTION 3 OF THIS SECTION IS  
57 OBSOLETE DUE TO THE REPEAL OF SECTION 167.195 IN 2015:

209.015. 1. There is hereby created in the state treasury the "Blindness Education,  
2 Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant  
3 to subsection 7 of section 301.020 and subsection 3 of section 302.171. Unexpended balances  
4 in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any  
5 other fund, the provisions of section 33.080 to the contrary notwithstanding.

6           2. Subject to the availability of funds in the blindness education, screening and treatment  
7 program fund, the department of social services shall develop a blindness education, screening  
8 and treatment program to provide blindness prevention education and to provide screening and  
9 treatment for persons who do not have adequate coverage for such services under a health benefit  
10 plan.

11           3. The program shall provide for:

12           (1) Public education about blindness and other eye conditions;

13           (2) Screenings and eye examinations to identify conditions that may cause blindness;

14 **and**

15 (3) Treatment procedures necessary to prevent blindness]; and  
16 (4) Any additional costs for vision examinations under section 167.195 that are not  
17 covered by existing public or private health insurance. Subject to appropriations, moneys from  
18 the fund shall be used to pay for those additional costs, provided that the costs do not exceed  
19 ninety-nine thousand dollars per year. Payment from the fund for vision examinations under  
20 section 167.195 shall not exceed the allowable state Medicaid reimbursement amount for vision  
21 examinations].

22 4. The department may contract for program development with any department-approved  
23 nonprofit organization dealing with regional and community blindness education, eye donor and  
24 vision treatment services.

25 5. The department may adopt rules to prescribe eligibility requirements for the program.

26 6. No rule or portion of a rule promulgated pursuant to the authority of this section shall  
27 become effective unless it has been promulgated pursuant to the provisions of chapter 536.

28

29 EXPLANATION: REPLACES INACCURATE LANGUAGE ENACTED IN 2014 WITH  
30 CORRECT TERMINOLOGY:

210.027. 1. For child-care providers who receive state or federal funds for providing  
2 child-care [fee assistance] **services**, either by direct payment or through reimbursement to a  
3 child-care beneficiary, the department of social services shall:

4 (1) Establish publicly available website access to provider-specific information about  
5 any health and safety licensing or regulatory requirements for the providers, and including dates  
6 of inspections, history of violations, and compliance actions taken, as well as the consumer  
7 education information required under subdivision (12) of this section;

8 (2) Establish or designate one hotline for parents to submit complaints about child care  
9 providers;

10 (3) Be authorized to revoke the registration of a registered provider for due cause;

11 (4) Require providers to be at least eighteen years of age;

12 (5) Establish minimum requirements for building and physical premises to include:

13 (a) Compliance with state and local fire, health, and building codes, which shall include  
14 the ability to evacuate children in the case of an emergency; and

15 (b) Emergency preparedness and response planning.

16

17 Child care providers shall meet these minimum requirements prior to receiving federal  
18 assistance. Where there are no local ordinances or regulations regarding smoke detectors, the  
19 department shall require providers, by rule, to install and maintain an adequate number of smoke  
20 detectors in the residence or other building where child care is provided;

- 21           (6) Require providers to be tested for tuberculosis on the schedule required for  
22 employees in licensed facilities;
- 23           (7) Require providers to notify parents if the provider does not have immediate access  
24 to a telephone;
- 25           (8) Make providers aware of local opportunities for training in first aid and child care;
- 26           (9) Promulgate rules and regulations to define preservice training requirements for child  
27 care providers and employees pursuant to applicable federal laws and regulations;
- 28           (10) Establish procedures for conducting unscheduled on-site monitoring of child care  
29 providers prior to receiving state or federal funds for providing child care services either by  
30 direct payment or through reimbursement to a child care beneficiary, and annually thereafter;
- 31           (11) Require child care providers who receive assistance under applicable federal laws  
32 and regulations to report to the department any serious injuries or death of children occurring in  
33 child care; and
- 34           (12) With input from statewide stakeholders such as parents, child care providers or  
35 administrators, and system advocate [group] **groups**, establish a transparent system of quality  
36 indicators appropriate to the provider setting that shall provide parents with a way to differentiate  
37 between child care providers available in their communities as required by federal rules. The  
38 system shall describe the standards used to assess the quality of child care providers. The system  
39 shall indicate whether the provider meets Missouri's registration or licensing standards, is in  
40 compliance with applicable health and safety requirements, and the nature of any violations  
41 related to registration or licensing requirements. The system shall also indicate if the provider  
42 utilizes curricula and if the provider is in compliance with staff educational requirements. Such  
43 system of quality indicators established under this subdivision with the input from stakeholders  
44 shall be promulgated by rules. Any rule or portion of a rule, as that term is defined in section  
45 536.010, that is created under the authority delegated in this section shall become effective only  
46 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
47 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
48 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
49 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
50 and any rule proposed or adopted after August 28, 2014, shall be invalid and void. This  
51 subdivision shall not be construed as authorizing the operation, establishment, maintenance, or  
52 mandating or offering of incentives to participate in a quality rating system under section  
53 161.216.
- 54           2. No state agency shall enforce the provisions of this section until October 1, 2015, or  
55 six months after the implementation of federal regulations mandating such provisions, whichever  
56 is later.

57 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
58 REFERENCE IN SUBSECTION 1:

210.114. 1. Except as otherwise provided in section 207.085, [a private contractor, as  
2 defined in subdivision (4) of section 210.110, with the children's division that receives] **private**  
3 **contractors who in their capacities as children's services providers and agencies, as defined**  
4 **in section 210.110, receive** state moneys from the division or the department for providing  
5 services to children and their families **under section 210.112** shall have qualified immunity from  
6 civil liability for providing such services when the child is not in the physical care of such private  
7 contractor to the same extent that the children's division has qualified immunity from civil  
8 liability when the division or department directly provides such services.

9 2. This section shall not apply if a private contractor described above knowingly violates  
10 a stated or written policy of the division, any rule promulgated by the division, or any state law  
11 directly related to child abuse and neglect, or any state law directly related to the child abuse and  
12 neglect activities of the division or any local ordinance relating to the safety condition of the  
13 property.

14

15 EXPLANATION: THIS SECTION CHANGES THE NUMERICAL REFERENCE TO  
16 BLOOD ALCOHOL CONTENT TO A WORD DESCRIPTION TO MAKE IT CONSISTENT  
17 WITH OTHER STATUTORY BLOOD ALCOHOL REFERENCES:

211.447. 1. Any information that could justify the filing of a petition to terminate  
2 parental rights may be referred to the juvenile officer by any person. The juvenile officer shall  
3 make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should  
4 be filed, such officer shall so notify the informant in writing within thirty days of the referral.  
5 Such notification shall include the reasons that the petition will not be filed. Thereupon, the  
6 informant may bring the matter directly to the attention of the judge of the juvenile court by  
7 presenting the information in writing, and if it appears to the judge that the information could  
8 justify the filing of a petition, the judge may order the juvenile officer to take further action,  
9 including making a further preliminary inquiry or filing a petition.

10 2. Except as provided for in subsection 4 of this section, a petition to terminate the  
11 parental rights of the child's parent or parents shall be filed by the juvenile officer or the division,  
12 or if such a petition has been filed by another party, the juvenile officer or the division shall seek  
13 to be joined as a party to the petition, when:

14 (1) Information available to the juvenile officer or the division establishes that the child  
15 has been in foster care for at least fifteen of the most recent twenty-two months; or

16           (2) A court of competent jurisdiction has determined the child to be an abandoned infant.  
17 For purposes of this subdivision, an "infant" means any child one year of age or under at the time  
18 of filing of the petition. The court may find that an infant has been abandoned if:

19           (a) The parent has left the child under circumstances that the identity of the child was  
20 unknown and could not be ascertained, despite diligent searching, and the parent has not come  
21 forward to claim the child; or

22           (b) The parent has, without good cause, left the child without any provision for parental  
23 support and without making arrangements to visit or communicate with the child, although able  
24 to do so; or

25           (c) The parent has voluntarily relinquished a child under section 210.950; or

26           (3) A court of competent jurisdiction has determined that the parent has:

27           (a) Committed murder of another child of the parent; or

28           (b) Committed voluntary manslaughter of another child of the parent; or

29           (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or  
30 voluntary manslaughter; or

31           (d) Committed a felony assault that resulted in serious bodily injury to the child or to  
32 another child of the parent.

33           3. A termination of parental rights petition shall be filed by the juvenile officer or the  
34 division, or if such a petition has been filed by another party, the juvenile officer or the division  
35 shall seek to be joined as a party to the petition, within sixty days of the judicial determinations  
36 required in subsection 2 of this section, except as provided in subsection 4 of this section.  
37 Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate  
38 a petition for termination of parental rights which is filed outside of sixty days.

39           4. If grounds exist for termination of parental rights pursuant to subsection 2 of this  
40 section, the juvenile officer or the division may, but is not required to, file a petition to terminate  
41 the parental rights of the child's parent or parents if:

42           (1) The child is being cared for by a relative; or

43           (2) There exists a compelling reason for determining that filing such a petition would  
44 not be in the best interest of the child, as documented in the permanency plan which shall be  
45 made available for court review; or

46           (3) The family of the child has not been provided such services as provided for in section  
47 211.183.

48           5. The juvenile officer or the division may file a petition to terminate the parental rights  
49 of the child's parent when it appears that one or more of the following grounds for termination  
50 exist:

51 (1) The child has been abandoned. For purposes of this subdivision a "child" means any  
52 child over one year of age at the time of filing of the petition. The court shall find that the child  
53 has been abandoned if, for a period of six months or longer:

54 (a) The parent has left the child under such circumstances that the identity of the child  
55 was unknown and could not be ascertained, despite diligent searching, and the parent has not  
56 come forward to claim the child; or

57 (b) The parent has, without good cause, left the child without any provision for parental  
58 support and without making arrangements to visit or communicate with the child, although able  
59 to do so;

60 (2) The child has been abused or neglected. In determining whether to terminate parental  
61 rights pursuant to this subdivision, the court shall consider and make findings on the following  
62 conditions or acts of the parent:

63 (a) A mental condition which is shown by competent evidence either to be permanent  
64 or such that there is no reasonable likelihood that the condition can be reversed and which  
65 renders the parent unable to knowingly provide the child the necessary care, custody and control;

66 (b) Chemical dependency which prevents the parent from consistently providing the  
67 necessary care, custody and control of the child and which cannot be treated so as to enable the  
68 parent to consistently provide such care, custody and control;

69 (c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child  
70 or any child in the family by the parent, including an act of incest, or by another under  
71 circumstances that indicate that the parent knew or should have known that such acts were being  
72 committed toward the child or any child in the family; or

73 (d) Repeated or continuous failure by the parent, although physically or financially able,  
74 to provide the child with adequate food, clothing, shelter, or education as defined by law, or other  
75 care and control necessary for the child's physical, mental, or emotional health and development.

76

77 Nothing in this subdivision shall be construed to permit discrimination on the basis of disability  
78 or disease;

79 (3) The child has been under the jurisdiction of the juvenile court for a period of one  
80 year, and the court finds that the conditions which led to the assumption of jurisdiction still  
81 persist, or conditions of a potentially harmful nature continue to exist, that there is little  
82 likelihood that those conditions will be remedied at an early date so that the child can be returned  
83 to the parent in the near future, or the continuation of the parent-child relationship greatly  
84 diminishes the child's prospects for early integration into a stable and permanent home. In  
85 determining whether to terminate parental rights under this subdivision, the court shall consider  
86 and make findings on the following:

87 (a) The terms of a social service plan entered into by the parent and the division and the  
88 extent to which the parties have made progress in complying with those terms;

89 (b) The success or failure of the efforts of the juvenile officer, the division or other  
90 agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to  
91 provide a proper home for the child;

92 (c) A mental condition which is shown by competent evidence either to be permanent  
93 or such that there is no reasonable likelihood that the condition can be reversed and which  
94 renders the parent unable to knowingly provide the child the necessary care, custody and control;

95 (d) Chemical dependency which prevents the parent from consistently providing the  
96 necessary care, custody and control over the child and which cannot be treated so as to enable  
97 the parent to consistently provide such care, custody and control; or

98 (4) The parent has been found guilty or pled guilty to a felony violation of chapter 566  
99 when the child or any child in the family was a victim, or a violation of section 568.020 when  
100 the child or any child in the family was a victim. As used in this subdivision, a "child" means  
101 any person who was under eighteen years of age at the time of the crime and who resided with  
102 such parent or was related within the third degree of consanguinity or affinity to such parent; or

103 (5) The child was conceived and born as a result of an act of forcible rape or rape in the  
104 first degree. When the biological father has pled guilty to, or is convicted of, the forcible rape  
105 or rape in the first degree of the birth mother, such a plea or conviction shall be conclusive  
106 evidence supporting the termination of the biological father's parental rights; or

107 (6) (a) The parent is unfit to be a party to the parent and child relationship because of  
108 a consistent pattern of committing a specific abuse including, but not limited to, specific  
109 conditions directly relating to the parent and child relationship which are determined by the court  
110 to be of a duration or nature that renders the parent unable for the reasonably foreseeable future  
111 to care appropriately for the ongoing physical, mental, or emotional needs of the child.

112 (b) It is presumed that a parent is unfit to be a party to the parent and child relationship  
113 upon a showing that:

114 a. Within a three-year period immediately prior to the termination adjudication, the  
115 parent's parental rights to one or more other children were involuntarily terminated pursuant to  
116 subsection 2 or 4 of this section or subdivision (1), (2), (3), or (4) of this subsection or similar  
117 laws of other states;

118 b. If the parent is the birth mother and within eight hours after the child's birth, the child's  
119 birth mother tested positive and over [.08] **eight-hundredths of one percent** blood alcohol  
120 content pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine,  
121 heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription  
122 drug as defined in section 196.973, excepting those controlled substances or prescription drugs

present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case;

c. If the parent is the birth mother and at the time of the child's birth or within eight hours after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case; or

d. Within a three-year period immediately prior to the termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor by such parent or such parent has previously failed to complete recommended treatment services by the children's division through a family-centered services case.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;



(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

EXPLANATION: UPDATES OBSOLETE TERMINOLOGY REGARDING DISABILITIES AND THE TITLES OF DEPARTMENT PERSONNEL:

226.805. 1. There is hereby created the "Interagency Committee on Special Transportation" within the Missouri department of transportation. The members of the committee shall be: the [assistant for transportation] **director** of the Missouri department of transportation, or his or her designee; the [assistant] **deputy** commissioner of the department of elementary and secondary education, responsible for special transportation, or his or her designee; the director **of the division of senior and disability services** of the department of health and senior services, or the director's designee; the director of the [children's] **family support** division of the department of social services, or the director's designee; the director of the division of developmental disabilities and the [deputy] director [for administration] **of the division of administrative services** of the department of mental health, or [their] **the directors'** designees; the executive [secretary] **director** of the governor's [committee on the employment of the handicapped] **council on disability**; and other state agency representatives as the governor deems appropriate for temporary or permanent membership by executive order.

2. The interagency committee on special transportation shall:

(1) Jointly designate substate special transportation planning and service areas within the state;

(2) Jointly designate a special transportation planning council for each special transportation planning and service area. The special transportation planning council shall be

19 composed of the area agency on aging, the regional center for developmental disabilities, the  
20 regional planning commission and other local organizations responsible for funding and  
21 organizing special transportation designated by the interagency committee. The special  
22 transportation planning councils will oversee and approve the preparation of special  
23 transportation plans. Staff support for the special transportation planning councils will be  
24 provided by the regional planning commissions serving the area with funds provided by the  
25 department of transportation for this purpose;

26 (3) Jointly establish a uniform planning format and content;

27 (4) Individually and jointly establish uniform budgeting and reporting standards for all  
28 transportation funds administered by the member agencies. These standards shall be adopted  
29 into the administrative rules of each member agency;

30 (5) Individually establish annual allocations of funds to support special transportation  
31 services in each of the designated planning and service areas;

32 (6) Individually and jointly adopt a five-year planning budget for the capital and  
33 operating needs of special transportation in Missouri;

34 (7) Individually develop administrative and adopt rules for the substate division of  
35 special transportation funds;

36 (8) Jointly review and accept annual capital and operating plans for the designated  
37 special transportation planning and service areas;

38 (9) Individually submit proposed expenditures to the interagency committee for review  
39 as to conformity with the areas special transportation plans. All expenditures are to be made in  
40 accordance with the plans or by special action of the interagency committee.

41 3. The assistant for transportation of the Missouri department of transportation shall  
42 serve as chairman of the committee.

43 4. Staff for the committee shall be provided by the Missouri department of  
44 transportation.

45 5. The committee shall meet on such a schedule and carry out its duties in such a way  
46 as to discharge its responsibilities over special transportation expenditures made for the state  
47 fiscal year beginning July 1, 1989, and all subsequent years.

48

49 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
50 REFERENCE ENACTED IN 2015:

261.295. The department of agriculture shall promulgate rules and regulations for the  
2 implementation of sections 261.270 to 261.295. Any rule or portion of a rule, as that term is  
3 defined in section 536.010, that is created under the authority delegated in this section and  
4 section [348.273] **348.275** shall become effective only if it complies with and is subject to all of

5 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536  
6 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter  
7 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
8 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
9 August 28, 2015, shall be invalid and void.

10

11 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
12 REFERENCE IN SUBSECTION 2:

288.036. 1. "Wages" means all remuneration, payable or paid, for personal services  
2 including commissions and bonuses and, except as provided in subdivision (7) of this [section]  
3 **subsection**, the cash value of all remuneration paid in any medium other than cash. Gratuities,  
4 including tips received from persons other than the employing unit, shall be considered wages  
5 only if required to be reported as wages pursuant to the Federal Unemployment Tax Act, 26  
6 U.S.C. Sec. 3306, and shall be, for the purposes of this chapter, treated as having been paid by  
7 the employing unit. Severance pay shall be considered as wages to the extent required pursuant  
8 to the Federal Unemployment Tax Act, 26 U.S.C. Section 3306(b). Vacation pay, termination  
9 pay, severance pay and holiday pay shall be considered as wages for the week with respect to  
10 which it is payable. The total amount of wages derived from severance pay, if paid to an insured  
11 in a lump sum, shall be prorated on a weekly basis at the rate of pay received by the insured at  
12 the time of termination for the purposes of determining unemployment benefits eligibility. The  
13 term "wages" shall not include:

14 (1) The amount of any payment made (including any amount paid by an employing unit  
15 for insurance or annuities, or into a fund, to provide for any such payment) to, or on behalf of,  
16 an individual under a plan or system established by an employing unit which makes provision  
17 generally for individuals performing services for it or for a class or classes of such individuals,  
18 on account of:

19 (a) Sickness or accident disability, but in case of payments made to an employee or any  
20 of the employee's dependents this paragraph shall exclude from the term wages only payments  
21 which are received pursuant to a workers' compensation law; or

22 (b) Medical and hospitalization expenses in connection with sickness or accident  
23 disability; or

24 (c) Death;

25 (2) The amount of any payment on account of sickness or accident disability, or medical  
26 or hospitalization expenses in connection with sickness or accident disability, made by an  
27 employing unit to, or on behalf of, an individual performing services for it after the expiration

28 of six calendar months following the last calendar month in which the individual performed  
29 services for such employing unit;

30 (3) The amount of any payment made by an employing unit to, or on behalf of, an  
31 individual performing services for it or his or her beneficiary:

32 (a) From or to a trust described in 26 U.S.C. 401(a) which is exempt from tax pursuant  
33 to 26 U.S.C. 501(a) at the time of such payment unless such payment is made to an employee  
34 of the trust as remuneration for services rendered as such an employee and not as a beneficiary  
35 of the trust; or

36 (b) Under or to an annuity plan which, at the time of such payments, meets the  
37 requirements of Section 404(a)(2) of the Federal Internal Revenue Code (26 U.S.C.A. Sec. 404);

38 (4) The amount of any payment made by an employing unit (without deduction from the  
39 remuneration of the individual in employment) of the tax imposed pursuant to Section 3101 of  
40 the Federal Internal Revenue Code (26 U.S.C.A. Sec. 3101) upon an individual with respect to  
41 remuneration paid to an employee for domestic service in a private home or for agricultural  
42 labor;

43 (5) Remuneration paid in any medium other than cash to an individual for services not  
44 in the course of the employing unit's trade or business;

45 (6) Remuneration paid in the form of meals provided to an individual in the service of  
46 an employing unit where such remuneration is furnished on the employer's premises and at the  
47 employer's convenience, except that remuneration in the form of meals that is considered wages  
48 and required to be reported as wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C.  
49 Sec. 3306 shall be reported as wages as required thereunder;

50 (7) For the purpose of determining wages paid for agricultural labor as defined in  
51 paragraph (b) of subdivision (1) of subsection 12 of section 288.034 and for domestic service as  
52 defined in subsection 13 of section 288.034, only cash wages paid shall be considered;

53 (8) Beginning on October 1, 1996, any payment to, or on behalf of, an employee or the  
54 employee's beneficiary under a cafeteria plan, if such payment would not be treated as wages  
55 pursuant to the Federal Unemployment Tax Act.

56 2. The increases or decreases to the state taxable wage base for the remainder of calendar  
57 year 2004 shall be eight thousand dollars, and the state taxable wage base in calendar year 2005,  
58 and each calendar year thereafter, shall be determined by the provisions within this subsection.  
59 On January 1, 2005, the state taxable wage base for calendar year 2005, 2006, and 2007 shall be  
60 eleven thousand dollars. The taxable wage base for calendar year 2008 shall be twelve thousand  
61 dollars. The state taxable wage base for each calendar year thereafter shall be determined by the  
62 average balance of the unemployment compensation trust fund of the four preceding calendar  
63 quarters (September thirtieth, June thirtieth, March thirty-first, and December thirty-first of the

64 preceding calendar year), less any outstanding federal Title XII advances received pursuant to  
 65 section 288.330, less the principal, interest, and administrative expenses related to any credit  
 66 instrument issued under section [288.030] **288.330**, and less the principal, interest, and  
 67 administrative expenses related to any financial agreements under subdivision (17) of subsection  
 68 2 of section 288.330. When the average balance of the unemployment compensation trust fund  
 69 of the four preceding quarters (September thirtieth, June thirtieth, March thirty-first, and  
 70 December thirty-first of the preceding calendar year), as so determined is:

71 (1) Less than, or equal to, three hundred fifty million dollars, then the wage base shall  
 72 increase by one thousand dollars; or

73 (2) Six hundred fifty million or more, then the state taxable wage base for the subsequent  
 74 calendar year shall be decreased by five hundred dollars. In no event, however, shall the state  
 75 taxable wage base increase beyond twelve thousand five hundred dollars, or decrease to less than  
 76 seven thousand dollars. For calendar year 2009, the tax wage base shall be twelve thousand five  
 77 hundred dollars.

78

79 For calendar year 2010 and each calendar year thereafter, in no event shall the state taxable wage  
 80 base increase beyond thirteen thousand dollars, or decrease to less than seven thousand dollars.

81 For any calendar year, the state taxable wage base shall not be reduced to less than that part of  
 82 the remuneration which is subject to a tax under a federal law imposing a tax against which  
 83 credit may be taken for contributions required to be paid into a state unemployment  
 84 compensation trust fund. Nothing in this section shall be construed to prevent the wage base  
 85 from increasing or decreasing by increments of five hundred dollars.

86

87 EXPLANATION: REMOVES THE LANGUAGE IN SUBSECTION 2 (INACCURATE  
 88 PLACEMENT, SEE SECTION 288.128 BELOW):

288.121. [1.] On October first of each calendar year, if the average balance, less any  
 2 federal advances, of the unemployment compensation trust fund of the four preceding quarters  
 3 (September thirtieth, June thirtieth, March thirty-first and December thirty-first of the preceding  
 4 calendar year) is less than four hundred fifty million dollars, then each employer's contribution  
 5 rate calculated for the four calendar quarters of the succeeding calendar year shall be increased  
 6 by the percentage determined from the following table:

Balance in Trust Fund		Percentage of Increase
Less Than	Equals or Exceeds	
\$450,000,000	\$400,000,000	10%
\$400,000,000	\$350,000,000	20%

12 \$350,000,000 30%

13

14 For calendar years 2005, 2006, and 2007, the contribution rate of any employer who is paying  
15 the maximum contribution rate shall be increased by forty percent, instead of thirty percent as  
16 previously indicated in the table in this section.

17 [2. For calendar year 2007 and each year thereafter, an employer's total contribution rate  
18 shall equal the employer's contribution rate plus a temporary debt indebtedness assessment equal  
19 to the amount to be determined in subdivision (6) of subsection 2 of section 288.330 added to  
20 the contribution rate plus the increase authorized under subsection 1 of this section. Any moneys  
21 overcollected beyond the actual administrative, interest and principal repayment costs for the  
22 credit instruments used shall be deposited into the state unemployment insurance trust fund and  
23 credited to the employer's experience account.]

24

25 EXPLANATION: ADDS THE LANGUAGE REMOVED FROM SECTION 288.121 TO  
26 PLACE IT IN THE APPROPRIATE STATUTORY SECTION:

288.128. 1. If the fund is utilizing moneys advanced by the federal government under  
2 the provisions of 42 U.S.C.A., Section 1321, pursuant to section 288.330, each employer may  
3 be assessed an amount solely for the payment of interest due on such federal advancements. The  
4 rate shall be determined by dividing the interest due on federal advancements by ninety-five  
5 percent of the total taxable wages paid by all Missouri employers in the preceding calendar year.  
6 Each employer's proportionate share shall be the product obtained by multiplying such  
7 employer's total taxable wages for the preceding calendar year by the rate specified in this  
8 section. Each employer shall be notified of the amount due under this section by June thirtieth  
9 of each year and such amount shall be considered delinquent thirty days thereafter. The moneys  
10 collected from each employer for the payment of interest due on federal advances shall be  
11 deposited in the special employment security fund.

12 2. If on December thirty-first of any year the money collected under subsection 1 of this  
13 section exceeds the amount of interest due on federal advancements by one hundred thousand  
14 dollars or more, then each employer's experience rating account shall be credited with an amount  
15 which bears the same ratio to the excess moneys collected under this section as that employer's  
16 payment collected under this section bears to the total amount collected under this section.  
17 Further, if on December thirty-first of any year the moneys collected under this section exceed  
18 the amount of interest due on the federal advancements by less than one hundred thousand  
19 dollars, the balance shall be transferred from the special employment security fund to the  
20 Secretary of the Treasury of the United States to be credited to the account of this state in the  
21 unemployment trust fund.

22           3. If the fund is utilizing moneys from the proceeds of credit instruments issued under  
23 section 288.330, or from the moneys advanced under financial agreements under subdivision  
24 (17) of subsection 2 of section 288.330, or a combination of credit instrument proceeds and  
25 moneys advanced under financial agreements each employer may be assessed a credit instrument  
26 and financing agreement repayment surcharge. The total of such surcharge shall be calculated  
27 as an amount up to one hundred fifty percent of the amount required in the twelve-month period  
28 following the due date for the payment of such surcharge for the payment of the principal,  
29 interest, and administrative expenses related to such credit instruments, or in the case of financial  
30 agreements for the payment of principal, interest, and administrative expenses related to such  
31 financial agreements, or in the case of a combination of credit instruments and financial  
32 agreements for the payment of principal, interest, and administrative expenses for both. The total  
33 annual surcharge to be collected shall be calculated by the division as a percentage of the total  
34 statewide contributions collected during the previous calendar year. Each employer's  
35 proportionate share shall be the product obtained by multiplying the percentage calculated under  
36 this subsection by each employer's contributions due under this chapter for each filing period  
37 during the preceding calendar year. Each employer shall be notified by the division of the  
38 amount due under this section by April thirtieth of each year and such amount shall be  
39 considered delinquent thirty days thereafter. **Any moneys overcollected in excess of the actual**  
40 **administrative, interest, and principal repayments costs for the credit instruments or**  
41 **financial agreements used shall be deposited into the state unemployment insurance trust**  
42 **fund and credited to the employer's expense account.**

43

44 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN  
45 SUBDIVISION (4) OF SUBSECTION 6:

301.562. 1. The department may refuse to issue or renew any license required pursuant  
2 to sections 301.550 to 301.580 for any one or any combination of causes stated in subsection 2  
3 of this section. The department shall notify the applicant or licensee in writing at his or her last  
4 known address of the reasons for the refusal to issue or renew the license and shall advise the  
5 applicant or licensee of his or her right to file a complaint with the administrative hearing  
6 commission as provided by chapter 621.

7           2. The department may cause a complaint to be filed with the administrative hearing  
8 commission as provided by chapter 621 against any holder of any license issued under sections  
9 301.550 to 301.580 for any one or any combination of the following causes:

10           (1) The applicant or license holder was previously the holder of a license issued under  
11 sections 301.550 to 301.580, which license was revoked for cause and never reissued by the

12 department, or which license was suspended for cause and the terms of suspension have not been  
13 fulfilled;

14 (2) The applicant or license holder was previously a partner, stockholder, director or  
15 officer controlling or managing a partnership or corporation whose license issued under sections  
16 301.550 to 301.580 was revoked for cause and never reissued or was suspended for cause and  
17 the terms of suspension have not been fulfilled;

18 (3) The applicant or license holder has, within ten years prior to the date of the  
19 application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo  
20 contendere, in a prosecution under the laws of any state or of the United States, for any offense  
21 reasonably related to the qualifications, functions, or duties of any business licensed under  
22 sections 301.550 to 301.580; for any offense, an essential element of which is fraud, dishonesty,  
23 or an act of violence; or for any offense involving moral turpitude, whether or not sentence is  
24 imposed;

25 (4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued  
26 pursuant to sections 301.550 to 301.580;

27 (5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or  
28 other compensation by fraud, deception, or misrepresentation;

29 (6) Violation of, or assisting or enabling any person to violate any provisions of this  
30 chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation  
31 adopted pursuant to this chapter and chapters 143, 144, 306, 307, 407, 578, and 643;

32 (7) The applicant or license holder has filed an application for a license which, as of its  
33 effective date, was incomplete in any material respect or contained any statement which was, in  
34 light of the circumstances under which it was made, false or misleading with respect to any  
35 material fact;

36 (8) The applicant or license holder has failed to pay the proper application or license fee  
37 or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a  
38 bona fide place of business;

39 (9) Uses or permits the use of any special license or license plate assigned to the license  
40 holder for any purpose other than those permitted by law;

41 (10) The applicant or license holder is finally adjudged insane or incompetent by a court  
42 of competent jurisdiction;

43 (11) Use of any advertisement or solicitation which is false;

44 (12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a  
45 conviction or finding of guilt or violation of any federal motor vehicle laws which result in a  
46 conviction or finding of guilt.



47           3. Any such complaint shall be filed within one year of the date upon which the  
48 department receives notice of an alleged violation of an applicable statute or regulation. After  
49 the filing of such complaint, the proceedings shall, except for the matters set forth in subsection  
50 5 of this section, be conducted in accordance with the provisions of chapter 621. Upon a finding  
51 by the administrative hearing commission that the grounds, provided in subsection 2 of this  
52 section, for disciplinary action are met, the department may, singly or in combination, refuse to  
53 issue the person a license, issue a license for a period of less than two years, issue a private  
54 reprimand, place the person on probation on such terms and conditions as the department deems  
55 appropriate for a period of one day to five years, suspend the person's license from one day to  
56 six days, or revoke the person's license for such period as the department deems appropriate. The  
57 applicant or licensee shall have the right to appeal the decision of the administrative hearing  
58 commission and department in the manner provided in chapter 536.

59           4. Upon the suspension or revocation of any person's license issued under sections  
60 301.550 to 301.580, the department shall recall any distinctive number plates that were issued  
61 to that licensee. If any licensee who has been suspended or revoked shall neglect or refuse to  
62 surrender his or her license or distinctive number license plates issued under sections 301.550  
63 to 301.580, the director shall direct any agent or employee of the department or any law  
64 enforcement officer, to secure possession thereof and return such items to the director. For  
65 purposes of this subsection, a "law enforcement officer" means any member of the highway  
66 patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his  
67 or her official capacity. Failure of the licensee to surrender his or her license or distinctive  
68 number license plates upon demand by the director, any agent or employee of the department,  
69 or any law enforcement officer shall be a class A misdemeanor.

70           5. Notwithstanding the foregoing provisions of this section, the following events or acts  
71 by the holder of any license issued under sections 301.550 to 301.580 are deemed to present a  
72 clear and present danger to the public welfare and shall be considered cause for suspension or  
73 revocation of such license under the procedure set forth in subsection 6 of this section, at the  
74 discretion of the director:

75           (1) The expiration or revocation of any corporate surety bond or irrevocable letter of  
76 credit, as required by section 301.560, without submission of a replacement bond or letter of  
77 credit which provides coverage for the entire period of licensure;

78           (2) The failure to maintain a bona fide established place of business as required by  
79 section 301.560;

80           (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section;

81 or

82 (4) Three or more occurrences of violations which have been established following  
83 proceedings before the administrative hearing commission under subsection 3 of this section, or  
84 which have been established following proceedings before the director under subsection 6 of this  
85 section, of this chapter and chapters 143, 144, 306, 307, 578, and 643 or of any lawful rule or  
86 regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not  
87 previously set forth herein.

88 6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or  
89 revoked, following an evidentiary hearing before the director or his or her designated hearing  
90 officer, if affidavits or sworn testimony by an authorized agent of the department alleges the  
91 occurrence of any of the events or acts described in subsection 5 of this section.

92 (2) For any license which the department believes may be subject to suspension or  
93 revocation under this subsection, the director shall immediately issue a notice of hearing to the  
94 licensee of record. The director's notice of hearing:

95 (a) Shall be served upon the licensee personally or by first class mail to the dealer's last  
96 known address, as registered with the director;

97 (b) Shall be based on affidavits or sworn testimony presented to the director, and shall  
98 notify the licensee that such information presented therein constitutes cause to suspend or revoke  
99 the licensee's license;

100 (c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

101 (d) Shall specify the events or acts which may provide cause for suspension or revocation  
102 of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other  
103 information presented to the director which support discipline of the license; and

104 (e) Shall inform the licensee that he or she has the right to attend the hearing and present  
105 any evidence in his or her defense, including evidence to show that the event or act which may  
106 result in suspension or revocation has been corrected to the director's satisfaction, and that he or  
107 she may be represented by counsel at the hearing.

108 (3) At any hearing before the director conducted under this subsection, the director or  
109 his or her designated hearing officer shall consider all evidence relevant to the issue of whether  
110 the license should be suspended or revoked due to the occurrence of any of the acts set forth in  
111 subsection 5 herein. Within twenty business days after such hearing, the director or his or her  
112 designated hearing officer shall issue a written order, with findings of fact and conclusions of  
113 law, which either grants or denies the issuance of an order of suspension or revocation. The  
114 suspension or revocation shall be effective ten days after the date of the order. The written order  
115 of the director or his or her hearing officer shall be the final decision of the director and shall be  
116 subject to judicial review under the provisions of chapter 536.

(4) Notwithstanding the provisions of this chapter or chapter 610 or 621 to the contrary, the proceedings under this [section] **subsection** shall be closed and no order shall be made public until it is final, for purposes of appeal.

7. In lieu of acting under subsection 2 or 6 of this section, the department of revenue may enter into an agreement with the holder of the license to ensure future compliance with sections 301.210, 301.213, 307.380, sections 301.217 to 301.229, and sections 301.550 to 301.580. Such agreement may include an assessment fee not to exceed five hundred dollars per violation or five thousand dollars in the aggregate unless otherwise permitted by law, probation terms and conditions, and other requirements as may be deemed appropriate by the department of revenue and the holder of the license. Any fees collected by the department of revenue under this subsection shall be deposited into the motor vehicle commission fund created in section 301.560.

EXPLANATION: CHANGES THE LANGUAGE IN PARAGRAPH (a) OF SUBDIVISION (10) OF SUBSECTION 2 TO COMPLY WITH FEDERAL LAW:

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".

2. When used in sections 302.700 to 302.780, the following words and phrases mean:

(1) "Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine;

(3) "CDL driver", a person holding or required to hold a commercial driver's license (CDL);

(4) "CDLIS driver record", the electronic record of the individual commercial driver's status and history stored by the state of record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;

(5) "CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS driver record which meets the requirements for access to CDLIS information and is provided by states to users authorized in 49 CFR 384, subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;

(6) "Commercial driver's instruction permit", a commercial learner's permit issued to an individual by a state or other jurisdiction of domicile in accordance with the standards contained in 49 CFR 383, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel

23 training. When issued to a commercial driver's license holder, a commercial learner's permit  
24 serves as authorization for accompanied behind-the-wheel training in a commercial motor  
25 vehicle for which the holder's current commercial driver's license is not valid;

26 (7) "Commercial driver's license (CDL)", a license issued by this state or other  
27 jurisdiction of domicile in accordance with 49 CFR 383 which authorizes the individual to  
28 operate a class of commercial motor vehicle;

29 (8) "Commercial driver's license downgrade", occurs when:

30 (a) A driver changes the self-certification to interstate, but operates exclusively in  
31 transportation or operation excepted from 49 CFR 391, as provided in 49 CFR 390.3(f), 391.2,  
32 391.68, or 398.3;

33 (b) A driver changes the self-certification to intrastate only, if the driver qualifies under  
34 the state's physical qualification requirements for intrastate only;

35 (c) A driver changes the self-certification to intrastate, but operating exclusively in  
36 transportation or operations excepted from all or part of the state driver qualification  
37 requirements; or

38 (d) The state removes the commercial driver's license privilege from the driver's license;

39 (9) "Commercial driver's license information system (CDLIS)", the information system  
40 established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law  
41 99-570) to serve as a clearinghouse for locating information related to the licensing and  
42 identification of commercial motor vehicle drivers;

43 (10) "Commercial motor vehicle", a motor vehicle or combination of motor vehicles  
44 used in commerce to transport passengers or property:

45 (a) If the vehicle has a gross combination weight rating or gross combination weight of  
46 twenty-six thousand one or more pounds, **whichever is greater**, inclusive of a towed unit which  
47 has a gross vehicle weight rating or gross vehicle weight of more than ten thousand [one] pounds  
48 [or more], whichever is greater;

49 (b) If the vehicle has a gross vehicle weight rating or gross vehicle weight of twenty-six  
50 thousand one or more pounds, whichever is greater;

51 (c) If the vehicle is designed to transport sixteen or more passengers, including the  
52 driver; or

53 (d) If the vehicle is transporting hazardous materials and is required to be placarded  
54 under the Hazardous Materials Transportation Act (46 U.S.C. Section 1801, et seq.);

55 (11) "Controlled substance", any substance so classified under Section 102(6) of the  
56 Controlled Substances Act (21 U.S.C. Section 802(6)), and includes all substances listed in  
57 Schedules I through V of 21 CFR 1308, as they may be revised from time to time;

- 58 (12) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo  
59 contendere, or a determination that a person has violated or failed to comply with the law in a  
60 court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture  
61 of bail or collateral deposited to secure the person's appearance in court, the payment of a fine  
62 or court cost, or violation of a condition of release without bail, regardless of whether the penalty  
63 is rebated, suspended or prorated, including an offense for failure to appear or pay;
- 64 (13) "Director", the director of revenue or his authorized representative;
- 65 (14) "Disqualification", any of the following three actions:
- 66 (a) The suspension, revocation, or cancellation of a commercial driver's license or  
67 commercial driver's instruction permit;
- 68 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a  
69 state, Canada, or Mexico as the result of a violation of federal, state, county, municipal, or local  
70 law relating to motor vehicle traffic control or violations committed through the operation of  
71 motor vehicles, other than parking, vehicle weight, or vehicle defect violations;
- 72 (c) A determination by the Federal Motor Carrier Safety Administration that a person  
73 is not qualified to operate a commercial motor vehicle under 49 CFR 383.52 or 391;
- 74 (15) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;
- 75 (16) "Driver", any person who drives, operates, or is in physical control of a motor  
76 vehicle, or who is required to hold a commercial driver's license;
- 77 (17) "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew  
78 a commercial driver's license or commercial driver's instruction permit in this state;
- 79 (18) "Driving under the influence of alcohol", the commission of any one or more of the  
80 following acts:
- 81 (a) Driving a commercial motor vehicle with the alcohol concentration of four  
82 one-hundredths of a percent or more as prescribed by the Secretary or such other alcohol  
83 concentration as may be later determined by the Secretary by regulation;
- 84 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation  
85 of any federal or state law, or in violation of a county or municipal ordinance;
- 86 (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol  
87 content in violation of any federal or state law, or in violation of a county or municipal  
88 ordinance;
- 89 (d) Refusing to submit to a chemical test in violation of section 302.574, section  
90 302.750, any federal or state law, or a county or municipal ordinance; or
- 91 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined  
92 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to  
93 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years

94 of age or older shall have been committed by the person with an alcohol concentration of at least  
95 eight-hundredths of one percent or more, or in the case of an individual who is less than  
96 twenty-one years of age, shall have been committed by the person with an alcohol concentration  
97 of at least two-hundredths of one percent or more, and if committed in a commercial motor  
98 vehicle, a concentration of four-hundredths of one percent or more;

99 (19) "Driving under the influence of a controlled substance", the commission of any one  
100 or more of the following acts in a commercial or noncommercial motor vehicle:

101 (a) Driving a commercial or noncommercial motor vehicle while under the influence of  
102 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.  
103 Section 802(6)), including any substance listed in Schedules I through V of 21 CFR 1308, as they  
104 may be revised from time to time;

105 (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition  
106 in violation of any federal or state law or in violation of a county or municipal ordinance; or

107 (c) Refusing to submit to a chemical test in violation of section 302.574, section  
108 302.750, any federal or state law, or a county or municipal ordinance;

109 (20) "Electronic device", includes but is not limited to a cellular telephone, personal  
110 digital assistant, pager, computer, or any other device used to input, write, send, receive, or read  
111 text;

112 (21) "Employer", any person, including the United States, a state, or a political  
113 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to  
114 operate such a vehicle;

115 (22) "Endorsement", an authorization on an individual's commercial driver's license or  
116 commercial learner's permit required to permit the individual to operate certain types of  
117 commercial motor vehicles;

118 (23) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer  
119 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,  
120 or a combination of these, within one hundred fifty miles of the farm, other than one which  
121 requires placarding for hazardous materials as defined in this section, or used in the operation  
122 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial  
123 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand  
124 one pounds when transporting fertilizers as defined in subdivision (29) of this subsection;

125 (24) "Fatality", the death of a person as a result of a motor vehicle accident;

126 (25) "Felony", any offense under state or federal law that is punishable by death or  
127 imprisonment for a term exceeding one year;

128 (26) "Foreign", outside the fifty states of the United States and the District of Columbia;

129           (27) "Gross combination weight rating" or "GCWR", the value specified by the  
130 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a  
131 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the  
132 power unit and the total weight of the towed unit and any load thereon;

133           (28) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer  
134 as the loaded weight of a single vehicle;

135           (29) "Hazardous materials", any material that has been designated as hazardous under  
136 49 U.S.C. Section 5103 and is required to be placarded under subpart F of CFR 172 or any  
137 quantity of a material listed as a select agent or toxin in 42 CFR 73. Fertilizers, including but  
138 not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor  
139 fuel or special fuel, shall not be considered hazardous materials when transported by a farm  
140 vehicle provided all other provisions of this definition are followed;

141           (30) "Imminent hazard", the existence of a condition that presents a substantial  
142 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to  
143 health, property, or the environment may occur before the reasonably foreseeable completion  
144 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or  
145 endangerment;

146           (31) "Issuance", the initial licensure, license transfers, license renewals, and license  
147 upgrades;

148           (32) "Manual transmission" (also known as a stick shift, stick, straight drive or standard  
149 transmission), a transmission utilizing a driver-operated clutch that is activated by a pedal or  
150 lever and a gear-shift mechanism operated either by hand or foot. All other transmissions,  
151 whether semiautomatic or automatic, will be considered automatic for the purposes of the  
152 standardized restriction code;

153           (33) "Medical examiner", a person who is licensed, certified, or registered, in accordance  
154 with applicable state laws and regulations, to perform physical examinations. The term includes,  
155 but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced  
156 practice nurses, and doctors of chiropractic;

157           (34) "Medical variance", when a driver has received one of the following that allows the  
158 driver to be issued a medical certificate:

159           (a) An exemption letter permitting operation of a commercial motor vehicle under 49  
160 CFR 381, Subpart C or 49 CFR 391.64;

161           (b) A skill performance evaluation certificate permitting operation of a commercial  
162 motor vehicle under 49 CFR 391.49;

- 163 (35) "Mobile telephone", a mobile communication device that is classified as or uses any  
164 commercial mobile radio service, as defined in the regulations of the Federal Communications  
165 Commission, 47 CFR 20.3, but does not include two-way or citizens band radio services;
- 166 (36) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;
- 167 (37) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles  
168 not defined by the term commercial motor vehicle in this section;
- 169 (38) "Out of service", a temporary prohibition against the operation of a commercial  
170 motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle,  
171 or the operation of a particular motor carrier;
- 172 (39) "Out-of-service order", a declaration by an authorized enforcement officer of a  
173 federal, state, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor  
174 vehicle, or a motor carrier operation, is out of service under 49 CFR 386.72, 392.5, 392.9a,  
175 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;
- 176 (40) "School bus", a commercial motor vehicle used to transport preprimary, primary,  
177 or secondary school students from home to school, from school to home, or to and from  
178 school-sponsored events. School bus does not include a bus used as a common carrier as defined  
179 by the Secretary;
- 180 (41) "Secretary", the Secretary of Transportation of the United States;
- 181 (42) "Serious traffic violation", driving a commercial motor vehicle in such a manner  
182 that the driver receives a conviction for the following offenses or driving a noncommercial motor  
183 vehicle when the driver receives a conviction for the following offenses and the conviction  
184 results in the suspension or revocation of the driver's license or noncommercial motor vehicle  
185 driving privilege:
- 186 (a) Excessive speeding, as defined by the Secretary by regulation;
- 187 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,  
188 any violation of section 304.016, any violation of section 304.010, or any other violation of  
189 federal or state law, or any county or municipal ordinance while driving a commercial motor  
190 vehicle in a willful or wanton disregard for the safety of persons or property, or improper or  
191 erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include  
192 careless and imprudent driving by excessive speed;
- 193 (c) A violation of any federal or state law or county or municipal ordinance regulating  
194 the operation of motor vehicles arising out of an accident or collision which resulted in death to  
195 any person, other than a parking violation;
- 196 (d) Driving a commercial motor vehicle without obtaining a commercial driver's license  
197 in violation of any federal or state or county or municipal ordinance;



198 (e) Driving a commercial motor vehicle without a commercial driver's license in the  
199 driver's possession in violation of any federal or state or county or municipal ordinance. Any  
200 individual who provides proof to the court which has jurisdiction over the issued citation that the  
201 individual held a valid commercial driver's license on the date that the citation was issued shall  
202 not be guilty of this offense;

203 (f) Driving a commercial motor vehicle without the proper commercial driver's license  
204 class or endorsement for the specific vehicle group being operated or for the passengers or type  
205 of cargo being transported in violation of any federal or state law or county or municipal  
206 ordinance;

207 (g) Violating a state or local law or ordinance on motor vehicle traffic control prohibiting  
208 texting while driving a commercial motor vehicle;

209 (h) Violating a state or local law or ordinance on motor vehicle traffic control restricting  
210 or prohibiting the use of a hand-held mobile telephone while driving a commercial motor  
211 vehicle; or

212 (i) Any other violation of a federal or state law or county or municipal ordinance  
213 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the  
214 Secretary by regulation;

215 (43) "State", a state of the United States, including the District of Columbia;

216 (44) "Tank vehicle", any commercial motor vehicle that is designed to transport any  
217 liquid or gaseous materials within a tank or tanks having an individual rated capacity of more  
218 than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or  
219 more that is either permanently or temporarily attached to the vehicle or the chassis. A  
220 commercial motor vehicle transporting an empty storage container tank, not designed for  
221 transportation, with a rated capacity of one thousand gallons or more, that is temporarily attached  
222 to a flatbed trailer is not considered a tank vehicle;

223 (45) "Texting", manually entering alphanumeric text into, or reading text from, an  
224 electronic device. This action includes but is not limited to short message service, emailing,  
225 instant messaging, commanding or requesting access to a website, pressing more than a single  
226 button to initiate or terminate a voice communication using a mobile telephone, or engaging in  
227 any other form of electronic text retrieval or entry, for present or future communication. Texting  
228 does not include:

229 (a) Inputting, selecting, or reading information on a global positioning system or  
230 navigation system;

231 (b) Pressing a single button to initiate or terminate a voice communication using a  
232 mobile telephone; or

233 (c) Using a device capable of performing multiple functions (e.g., fleet management  
234 systems, dispatching devices, smart phones, citizens band radios, music players) for a purpose  
235 that is not otherwise prohibited in this part;

236 (46) "United States", the fifty states and the District of Columbia.

237

238 EXPLANATION: THIS SECTION CONTAINS INACCURATE INTERSECTIONAL  
239 REFERENCES:

324.028. Any member authorized under the provisions of sections 256.459, 324.063,  
2 324.177, 324.203, 324.243, 324.406, 324.478, 326.259, 327.031, [328.030, 329.190,] **329.015**,  
3 330.110, 331.090, 332.021, 333.151, 334.120, 334.430, 334.625, 334.717, [334.736,] **334.749**,  
4 334.830, 335.021, 336.130, 337.050, **337.535, 337.622, 337.739**, 338.110, 339.120, [340.210,]  
5 **340.202**, 345.080, and 346.120 who misses three consecutive regularly scheduled meetings of  
6 the board or council on which he serves shall forfeit his membership on that board or council.  
7 A new member shall be appointed to the respective board or council by the governor with the  
8 advice and consent of the senate.

9

10 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
11 REFERENCE IN SUBDIVISION (7):

324.159. The board shall:

2 (1) Adopt and publish a code of ethics;

3 (2) Establish the qualifications and fitness of applicants of licenses, renewal of licenses  
4 and reciprocal licenses;

5 (3) Revoke, suspend or deny a license, suspend a license or reprimand a license holder  
6 for a violation of sections 324.125 to 324.183, the code of ethics or the rules adopted by the  
7 board;

8 (4) Provide for the expenditure of funds necessary for the proper administration of its  
9 assigned duties;

10 (5) Establish reasonable and necessary fees for the administration and implementation  
11 of sections 324.125 to 324.183. Fees shall be established at a rate that does not significantly  
12 exceed the cost of administering the provisions of sections 324.125 to 324.183;

13 (6) Establish continuing professional education requirements for licensed clinical  
14 perfusionists and provisional licensed clinical perfusionists, the standards of which shall be at  
15 least as stringent as those of the American Board of Cardiovascular Perfusion or its successor  
16 agency;

17 (7) Within the limits of its appropriation, employ and remove board personnel, as  
18 defined in subdivision (4) of subsection [10] 11 of section 324.001 as may be necessary for the  
19 efficient operation of the board;

20 (8) Adopt the training and clinical competency requirements established by the  
21 department of health and senior services through hospital licensing regulations promulgated  
22 pursuant to chapter 197. The provisions of sections 324.125 to 324.183 to the contrary  
23 notwithstanding, the board shall not regulate a perfusionist's training, education or fitness to  
24 practice except as specifically provided by the hospital licensing regulations of the department  
25 of health and senior services. In promulgating such regulations, the department of health and  
26 senior services shall adopt the standards of the American Board of Cardiovascular Perfusion, or  
27 its successor organization, or comparable standards for training and experience. The department  
28 shall by rule and regulation provide that individuals providing perfusion services who do meet  
29 such standards may continue their employment in accordance with section 324.130. The  
30 department shall also establish standards for provisional licensed clinical perfusionists pursuant  
31 to section 324.147.

32

33 EXPLANATION: THIS SECTION CHANGES THE LANGUAGE IN SUBSECTION 4 FOR  
34 CONSISTENCY WITH SECTION 304.028:

324.406. 1. There is hereby created within the division of professional registration a  
2 council to be known as the "Interior Design Council". The council shall consist of four interior  
3 designers and one public member appointed by the governor with the advice and consent of the  
4 senate. The governor shall give due consideration to the recommendations by state organizations  
5 of the interior design profession for the appointment of the interior design members to the  
6 council. Council members shall be appointed to serve a term of four years; except that of the  
7 members first appointed, one interior design member and the public member shall be appointed  
8 for terms of four years, one member shall be appointed for a term of three years, one member  
9 shall be appointed for a term of two years and one member shall be appointed for a term of one  
10 year. No member of the council shall serve more than two terms.

11 2. Each council member, other than the public member, shall be a citizen of the United  
12 States, a resident of the state of Missouri for at least one year, meet the qualifications for  
13 professional registration, practice interior design as the person's principal livelihood and, except  
14 for the first members appointed, be registered pursuant to sections 324.400 to 324.439 as an  
15 interior designer.

16 3. The public member shall be, at the time of such person's appointment, a citizen of the  
17 United States, a registered voter, a person who is not and never was a member of the profession  
18 regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does

19 not have and never has had a material financial interest in the providing of the professional  
20 services regulated by sections 324.400 to 324.439. The duties of the public member shall not  
21 include the determination of the technical requirements for the registration of persons as interior  
22 designers.

23       **4.** The provisions of section 324.028 pertaining to [public] members of certain state  
24 boards and commissions shall apply to [the public member] **all members** of the council.

25       **[4.] 5.** Members of the council may be removed from office for cause. Upon the death,  
26 resignation or removal from office of any member of the council, the appointment to fill the  
27 vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same  
28 manner as the first appointment and due notice be given to the state organizations of the interior  
29 design profession prior to the appointment.

30       **[5.] 6.** Each member of the council may receive as compensation an amount set by the  
31 division not to exceed fifty dollars per day and shall be reimbursed for the member's reasonable  
32 and necessary expenses incurred in the official performance of the member's duties as a member  
33 of the council. The director shall establish by rule guidelines for payment.

34       **[6.] 7.** The council shall meet at least twice each year and advise the division on matters  
35 within the scope of sections 324.400 to 324.439. The organization of the council shall be  
36 established by the members of the council.

37       **[7.] 8.** The council may sue and be sued as the interior design council and the council  
38 members need not be named as parties. Members of the council shall not be personally liable  
39 either jointly or severally for any act committed in the performance of their official duties as  
40 council members. No council member shall be personally liable for any costs which accrue in  
41 any action by or against the council.

42

43 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
44 REFERENCE IN SUBSECTION 2:

326.265. 1. The board shall elect annually one of its members as president, one as vice  
2 president, one as secretary and one as treasurer, and shall make an annual report to the governor  
3 and the general assembly. The board shall file and preserve all written applications, petitions,  
4 complaints, charges or requests made or presented to the board and all affidavits and other  
5 verified documents, and shall keep accurate records and minutes of its proceedings. A copy of  
6 any entry in the register, or of any records or minutes of the board, certified by the president or  
7 secretary of the board under its seal shall constitute and have the full force and effect of the  
8 original.

9           2. The board may employ legal counsel and board personnel as defined in subdivision  
10 (4) of subsection [10] 11 of section 324.001 and incur such travel and other expense as in its  
11 judgment shall be necessary for the effective administration of this chapter.

12           3. The board may also appoint a continuing education committee of not less than five  
13 members consisting of certified public accountants of this state. Such committee shall:

14           (1) Evaluate continuing education programs to determine if they meet continuing  
15 education regulations adopted by the board;

16           (2) Consider applications for exceptions to continuing education regulations adopted  
17 pursuant to the provisions of section 326.271; and

18           (3) Consider other matters regarding continuing education as may be assigned by the  
19 board.

20

21 EXPLANATION: THE TWO LISTS OF PROFESSIONALS IN SUBSECTION 1 ARE  
22 INCONSISTENT; ADDITIONAL LANGUAGE IS ADDED TO THE SECOND LIST TO  
23 MAKE IT CONSISTENT:

327.451. 1. Any person who believes that an architect or a professional engineer or a  
2 professional land surveyor or a professional landscape architect has acted or failed to act so that  
3 his or her license or certificate of authority should, pursuant to the provisions of this chapter, be  
4 suspended or revoked, or who believes that any applicant for a license or certificate of authority  
5 pursuant to the provisions of this chapter is not entitled to a license or a certificate of authority,  
6 may file a written affidavit with the executive director of the board which the affiant shall sign  
7 and swear to and in which the affiant shall clearly set forth the reasons for the affiant's charge  
8 or charges that the license or certificate of an architect or professional engineer or professional  
9 land surveyor **or professional landscape architect** should be suspended or revoked or not  
10 renewed or that a license or certificate should not be issued to an applicant.

11           2. If the affidavit so filed does not contain statements of fact which if true would  
12 authorize, pursuant to the provisions of this chapter, suspension or revocation of the accused's  
13 license or certificate, or does not contain statements of fact which if true would authorize,  
14 pursuant to the provisions of this chapter, the refusal of the renewal of an existing license or  
15 certificate or the refusal of a license or certificate to an applicant, the board shall either dismiss  
16 the charge or charges or, within its discretion, cause an investigation to be made of the charges  
17 contained in the affidavit, after which investigation the board shall either dismiss the charge or  
18 charges or proceed against the accused by written complaint as provided in subsection 3 of this  
19 section.

20           3. If the affidavit contains statements of fact which if true would authorize pursuant to  
21 the provisions of this chapter the revocation or suspension of an accused's license or certificate,

22 the board shall cause an investigation to be made of the charge or charges contained in the  
23 affidavit and unless the investigation discloses the falsity of the facts upon which the charge or  
24 charges in the affidavit are based, the board shall file with and in the administrative hearing  
25 commission a written complaint against the accused setting forth the cause or causes for which  
26 the accused's license or certificate of authority should be suspended or revoked. Thereafter, the  
27 board shall be governed by and shall proceed in accordance with the provisions of chapter 621.

28 4. If the charges contained in the affidavit filed with the board would constitute a cause  
29 or causes for which pursuant to the provisions of this chapter an accused's license or certificate  
30 of authority should not be renewed or a cause or causes for which pursuant to the provisions of  
31 this chapter a certificate should not be issued, the board shall cause an investigation to be made  
32 of the charge or charges and unless the investigation discloses the falsity of the facts upon which  
33 the charge or charges contained in the affidavit are based, the board shall refuse to permit an  
34 applicant to be examined upon the applicant's qualifications for licensure or shall refuse to issue  
35 or renew a license or certificate of authority, as the case may require.

36 5. The provisions of this section shall not be so construed as to prevent the board on its  
37 own initiative from instituting and conducting investigations and based thereon to make written  
38 complaints in and to the administrative hearing commission.

39 6. If for any reason the provisions of chapter 621 become inapplicable to the board, then,  
40 and in that event, the board shall proceed to charge, adjudicate and otherwise act in accordance  
41 with the provisions of chapter 536.

42

43 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
44 REFERENCE IN SUBDIVISION (5) OF SUBSECTION 1:

329.025. 1. The board shall have power to:

2 (1) Prescribe by rule for the examination of applicants for licensure to practice the  
3 classified occupations of barbering and cosmetology and issue licenses;

4 (2) Prescribe by rule for the inspection of barber and cosmetology establishments and  
5 schools and appoint the necessary inspectors and examining assistants;

6 (3) Prescribe by rule for the inspection of establishments and schools of barbering and  
7 cosmetology as to their sanitary conditions and to appoint the necessary inspectors and, if  
8 necessary, examining assistants;

9 (4) Set the amount of the fees that this chapter and chapter 328, authorize and require,  
10 by rules promulgated under section 536.021. The fees shall be set at a level sufficient to produce  
11 revenue that shall not substantially exceed the cost and expense of administering this chapter and  
12 chapter 328;

13 (5) Employ and remove board personnel, as set forth in subdivision (4) of subsection  
14 [10] 11 of section 324.001, including an executive secretary or comparable position, inspectors,  
15 investigators, legal counsel and secretarial support staff, as may be necessary for the efficient  
16 operation of the board, within the limitations of its appropriation;

17 (6) Elect one of its members president, one vice president, and one secretary with the  
18 limitation that no single profession can hold the positions of president and vice president at the  
19 same time;

20 (7) Promulgate rules necessary to carry out the duties and responsibilities designated by  
21 this chapter and chapter 328;

22 (8) Determine the sufficiency of the qualifications of applicants; and

23 (9) Prescribe by rule the minimum standards and methods of accountability for the  
24 schools of barbering and cosmetology licensed under this chapter and chapter 328.

25 2. The board shall create no expense exceeding the sum received from time to time from  
26 fees imposed under this chapter and chapter 328.

27 3. A majority of the board, with at least one representative of each profession being  
28 present, shall constitute a quorum for the transaction of business.

29 4. The board shall meet not less than six times annually.

30 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
31 under the authority delegated in this chapter and chapter 328 shall become effective only if it  
32 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
33 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
34 general assembly under chapter 536 to review, to delay the effective date or to disapprove and  
35 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
36 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

37

38 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
39 REFERENCE:

330.190. The board shall investigate all complaints of violations of the provisions of this  
2 chapter as provided in section 324.002 and shall report any such violations to the proper  
3 prosecuting officers or other public officials charged with the enforcement of the provisions of  
4 this chapter. The board may employ such board personnel, as defined in subdivision (4) of  
5 subsection [10] 11 of section 324.001, as it deems necessary within appropriations therefor.

6

7 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
8 REFERENCE IN SUBSECTION 3:

332.041. 1. The board shall meet at least twice a year at such times and places in the state of Missouri as may be fixed by the board. The board shall elect from its membership a president, a vice president, and a secretary-treasurer, each of whom shall be elected at the times and serve for the terms as are determined by the board, and each of whose duties shall be prescribed by the board.

2. The board shall keep records of its official acts, and certified copies of any such records attested by a designee of the board with the board's seal affixed shall be received as evidence in all courts to the same extent as the board's original records would be received.

3. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his expenses necessarily incurred in the discharge of his official duties. The board may employ and pay legal counsel and such board personnel, as defined in subdivision (4) of subsection [10] 11 of section 324.001, as it deems necessary within appropriations therefor.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN SUBDIVISION (18) OF SUBSECTION 2:

334.100. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has



21 surrendered the person's certificate of registration or authority, permit or license for any one or  
22 any combination of the following causes:

23 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
24 an extent that such use impairs a person's ability to perform the work of any profession licensed  
25 or regulated by this chapter;

26 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
27 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
28 for any offense reasonably related to the qualifications, functions or duties of any profession  
29 licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an  
30 act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

31 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of  
32 registration or authority, permit or license issued pursuant to this chapter or in obtaining  
33 permission to take any examination given or required pursuant to this chapter;

34 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or  
35 unprofessional conduct in the performance of the functions or duties of any profession licensed  
36 or regulated by this chapter, including, but not limited to, the following:

37 (a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
38 fraud, deception or misrepresentation; willfully and continually overcharging or overtreating  
39 patients; or charging for visits to the physician's office which did not occur unless the services  
40 were contracted for in advance, or for services which were not rendered or documented in the  
41 patient's records;

42 (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to  
43 obtain or retain a patient or discourage the use of a second opinion or consultation;

44 (c) Willfully and continually performing inappropriate or unnecessary treatment,  
45 diagnostic tests or medical or surgical services;

46 (d) Delegating professional responsibilities to a person who is not qualified by training,  
47 skill, competency, age, experience or licensure to perform such responsibilities;

48 (e) Misrepresenting that any disease, ailment or infirmity can be cured by a method,  
49 procedure, treatment, medicine or device;

50 (f) Performing or prescribing medical services which have been declared by board rule  
51 to be of no medical or osteopathic value;

52 (g) Final disciplinary action by any professional medical or osteopathic association or  
53 society or licensed hospital or medical staff of such hospital in this or any other state or territory,  
54 whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension,  
55 limitation, or restriction of the person's license or staff or hospital privileges, failure to renew  
56 such privileges or license for cause, or other final disciplinary action, if the action was in any

57 way related to unprofessional conduct, professional incompetence, malpractice or any other  
58 violation of any provision of this chapter;

59 (h) Signing a blank prescription form; or dispensing, prescribing, administering or  
60 otherwise distributing any drug, controlled substance or other treatment without sufficient  
61 examination including failing to establish a valid physician-patient relationship pursuant to  
62 section 334.108, or for other than medically accepted therapeutic or experimental or investigative  
63 purposes duly authorized by a state or federal agency, or not in the course of professional  
64 practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical  
65 infirmity or disease, except as authorized in section 334.104;

66 (i) Exercising influence within a physician-patient relationship for purposes of engaging  
67 a patient in sexual activity;

68 (j) Being listed on any state or federal sexual offender registry;

69 (k) Terminating the medical care of a patient without adequate notice or without making  
70 other arrangements for the continued care of the patient;

71 (l) Failing to furnish details of a patient's medical records to other treating physicians or  
72 hospitals upon proper request; or failing to comply with any other law relating to medical  
73 records;

74 (m) Failure of any applicant or licensee to cooperate with the board during any  
75 investigation;

76 (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an  
77 order of the board;

78 (o) Failure to timely pay license renewal fees specified in this chapter;

79 (p) Violating a probation agreement, order, or other settlement agreement with this board  
80 or any other licensing agency;

81 (q) Failing to inform the board of the physician's current residence and business address;

82 (r) Advertising by an applicant or licensee which is false or misleading, or which violates  
83 any rule of the board, or which claims without substantiation the positive cure of any disease, or  
84 professional superiority to or greater skill than that possessed by any other physician. An  
85 applicant or licensee shall also be in violation of this provision if the applicant or licensee has  
86 a financial interest in any organization, corporation or association which issues or conducts such  
87 advertising;

88 (s) Any other conduct that is unethical or unprofessional involving a minor;

89 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or  
90 physical health of a patient or the public; or incompetency, gross negligence or repeated  
91 negligence in the performance of the functions or duties of any profession licensed or regulated  
92 by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure,

93 on more than one occasion, to use that degree of skill and learning ordinarily used under the  
94 same or similar circumstances by the member of the applicant's or licensee's profession;

95 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling  
96 any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or  
97 regulation adopted pursuant to this chapter or chapter 324;

98 (7) Impersonation of any person holding a certificate of registration or authority, permit  
99 or license or allowing any person to use his or her certificate of registration or authority, permit,  
100 license or diploma from any school;

101 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,  
102 censure, probation or other final disciplinary action against the holder of or applicant for a  
103 license or other right to practice any profession regulated by this chapter by another state,  
104 territory, federal agency or country, whether or not voluntarily agreed to by the licensee or  
105 applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing  
106 the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject  
107 to an investigation or while actually under investigation by any licensing authority, medical  
108 facility, branch of the Armed Forces of the United States of America, insurance company, court,  
109 agency of the state or federal government, or employer;

110 (9) A person is finally adjudged incapacitated or disabled by a court of competent  
111 jurisdiction;

112 (10) Assisting or enabling any person to practice or offer to practice any profession  
113 licensed or regulated by this chapter who is not registered and currently eligible to practice  
114 pursuant to this chapter; or knowingly performing any act which in any way aids, assists,  
115 procures, advises, or encourages any person to practice medicine who is not registered and  
116 currently eligible to practice pursuant to this chapter. A physician who works in accordance with  
117 standing orders or protocols or in accordance with the provisions of section 334.104 shall not  
118 be in violation of this subdivision;

119 (11) Issuance of a certificate of registration or authority, permit or license based upon  
120 a material mistake of fact;

121 (12) Failure to display a valid certificate or license if so required by this chapter or any  
122 rule promulgated pursuant to this chapter;

123 (13) Violation of the drug laws or rules and regulations of this state, including but not  
124 limited to any provision of chapter 195, any other state, or the federal government;

125 (14) Knowingly making, or causing to be made, or aiding, or abetting in the making of,  
126 a false statement in any birth, death or other certificate or document executed in connection with  
127 the practice of the person's profession;

128 (15) Knowingly making a false statement, orally or in writing to the board;

129 (16) Soliciting patronage in person or by agents or representatives, or by any other means  
130 or manner, under the person's own name or under the name of another person or concern, actual  
131 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or  
132 necessity for or appropriateness of health care services for all patients, or the qualifications of  
133 an individual person or persons to diagnose, render, or perform health care services;

134 (17) Using, or permitting the use of, the person's name under the designation of  
135 "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial  
136 exploitation of any goods, wares or merchandise;

137 (18) Knowingly making or causing to be made a false statement or misrepresentation of  
138 a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or  
139 chapter 630 or for payment from Title XVIII or Title XIX of the [federal Medicare program]  
140 **Social Security Act;**

141 (19) Failure or refusal to properly guard against contagious, infectious or communicable  
142 diseases or the spread thereof; maintaining an unsanitary office or performing professional  
143 services under unsanitary conditions; or failure to report the existence of an unsanitary condition  
144 in the office of a physician or in any health care facility to the board, in writing, within thirty  
145 days after the discovery thereof;

146 (20) Any candidate for licensure or person licensed to practice as a physical therapist,  
147 paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary,  
148 practicing or offering to practice professional physical therapy independent of the prescription  
149 and direction of a person licensed and registered as a physician and surgeon pursuant to this  
150 chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an  
151 advanced practice registered nurse under chapter 335, or any licensed and registered physician,  
152 dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose  
153 license is in good standing;

154 (21) Any candidate for licensure or person licensed to practice as a physical therapist,  
155 treating or attempting to treat ailments or other health conditions of human beings other than by  
156 professional physical therapy and as authorized by sections 334.500 to 334.620;

157 (22) Any person licensed to practice as a physician or surgeon, requiring, as a condition  
158 of the physician-patient relationship, that the patient receive prescribed drugs, devices or other  
159 professional services directly from facilities of that physician's office or other entities under that  
160 physician's ownership or control. A physician shall provide the patient with a prescription which  
161 may be taken to the facility selected by the patient and a physician knowingly failing to disclose  
162 to a patient on a form approved by the advisory commission for professional physical therapists  
163 as established by section 334.625 which is dated and signed by a patient or guardian  
164 acknowledging that the patient or guardian has read and understands that the physician has a

165 pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment  
166 and that the prescribed treatment is available on a competitive basis. This subdivision shall not  
167 apply to a referral by one physician to another physician within a group of physicians practicing  
168 together;

169 (23) A pattern of personal use or consumption of any controlled substance unless it is  
170 prescribed, dispensed or administered by another physician who is authorized by law to do so;

171 (24) Habitual intoxication or dependence on alcohol, evidence of which may include  
172 more than one alcohol-related enforcement contact as defined by section 302.525;

173 (25) Failure to comply with a treatment program or an aftercare program entered into as  
174 part of a board order, settlement agreement or licensee's professional health program;

175 (26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever  
176 of any controlled substance authority, whether agreed to voluntarily or not, or voluntary  
177 termination of a controlled substance authority while under investigation;

178 (27) For a physician to operate, conduct, manage, or establish an abortion facility, or for  
179 a physician to perform an abortion in an abortion facility, if such facility comes under the  
180 definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such  
181 facility has failed to obtain or renew a license as an ambulatory surgical center.

182 3. Collaborative practice arrangements, protocols and standing orders shall be in writing  
183 and signed and dated by a physician prior to their implementation.

184 4. After the filing of such complaint before the administrative hearing commission, the  
185 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a  
186 finding by the administrative hearing commission that the grounds, provided in subsection 2 of  
187 this section, for disciplinary action are met, the board may, singly or in combination, warn,  
188 censure or place the person named in the complaint on probation on such terms and conditions  
189 as the board deems appropriate for a period not to exceed ten years, or may suspend the person's  
190 license, certificate or permit for a period not to exceed three years, or restrict or limit the person's  
191 license, certificate or permit for an indefinite period of time, or revoke the person's license,  
192 certificate, or permit, or administer a public or private reprimand, or deny the person's  
193 application for a license, or permanently withhold issuance of a license or require the person to  
194 submit to the care, counseling or treatment of physicians designated by the board at the expense  
195 of the individual to be examined, or require the person to attend such continuing educational  
196 courses and pass such examinations as the board may direct.

197 5. In any order of revocation, the board may provide that the person may not apply for  
198 reinstatement of the person's license for a period of time ranging from two to seven years  
199 following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

EXPLANATION: UPDATES THE REFERENCE TO THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION IN SUBSECTION 7:

334.506. 1. As used in this section, "approved health care provider" means a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing.

2. A physical therapist shall not initiate treatment for a new injury or illness without a prescription from an approved health care provider.

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs for asymptomatic persons, or provide screening or consultative services within the scope of physical therapy practice without the prescription and direction of an approved health care provider.

4. A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self-limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The physical therapist shall:

(1) Contact the patient's current approved health care provider within seven days of initiating physical therapy services under this subsection;

(2) Not change an existing physical therapy referral available to the physical therapist without approval of the patient's current approved health care provider;

21 (3) Refer to an approved health care provider any patient whose medical condition at the  
22 time of examination or treatment is determined to be beyond the scope of practice of physical  
23 therapy;

24 (4) Refer to an approved health care provider any patient whose condition for which  
25 physical therapy services are rendered under this subsection has not been documented to be  
26 progressing toward documented treatment goals after six visits or fourteen days, whichever first  
27 occurs;

28 (5) Notify the patient's current approved health care provider prior to the continuation  
29 of treatment if treatment rendered under this subsection is to continue beyond thirty days. The  
30 physical therapist shall provide such notification for each successive period of thirty days.

31 5. The provision of physical therapy services of evaluation and screening pursuant to this  
32 section shall be limited to a physical therapist, and any authority for evaluation and screening  
33 granted within this section may not be delegated. Upon each reinitiation of physical therapy  
34 services, a physical therapist shall provide a full physical therapy evaluation prior to the  
35 reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the  
36 provisions of subsection 4 of this section may be delegated by physical therapists to physical  
37 therapist assistants only if the patient's current approved health care provider has been so  
38 informed as part of the physical therapist's seven-day notification upon reinitiation of physical  
39 therapy services as required in subsection 4 of this section. Nothing in this subsection shall be  
40 construed as to limit the ability of physical therapists or physical therapist assistants to provide  
41 physical therapy services in accordance with the provisions of this chapter, and upon the referral  
42 of an approved health care provider. Nothing in this subsection shall prohibit an approved health  
43 care provider from acting within the scope of their practice as defined by the applicable chapters  
44 of RSMo.

45 6. No person licensed to practice, or applicant for licensure, as a physical therapist or  
46 physical therapist assistant shall make a medical diagnosis.

47 7. A physical therapist shall only delegate physical therapy treatment to a physical  
48 therapist assistant or to a person in an entry level of a professional education program approved  
49 by the [Commission for Accreditation of Physical Therapists and Physical Therapist Assistant]  
50 **Commission on Accreditation in Physical Therapy** Education (CAPTE) who satisfies  
51 supervised clinical education requirements related to the person's physical therapist or physical  
52 therapist assistant education. The entry-level person shall be under on-site supervision of a  
53 physical therapist.

54

55 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN  
56 SUBDIVISION (5) OF SUBSECTION 1:

334.570. 1. Every person licensed under sections 334.500 to 334.620 shall, on or before the registration renewal date, apply to the board for a certificate of registration for the ensuing licensing period. The application shall be made under oath on a form furnished to the applicant by the board. The application shall include, but not be limited to, disclosure of the following:

- (1) The applicant's full name;
- (2) The applicant's office address or addresses and telephone number or numbers;
- (3) The applicant's home address and telephone number;
- (4) The date and number of the applicant's license;
- (5) All final disciplinary actions taken against the applicant by any professional association or society, licensed hospital or medical staff of a hospital, physical therapy facility, state, territory, federal agency or [county] **country**; and
- (6) Information concerning the applicant's current physical and mental fitness to practice his or her profession.

The applicant may be required to successfully complete a test administered by the board on the laws and rules related to the practice of physical therapy. The test process, dates, and passing scores shall be established by the board by rule.

2. A notice for application for registration shall be made available to each person licensed in this state. The failure to receive the notice does not, however, relieve any person of the duty to register and pay the fee required by sections 334.500 to 334.620 nor exempt such person from the penalties provided by sections 334.500 to 334.620 for failure to register.

3. If a physical therapist does not renew such license for two consecutive renewal periods, such license shall be deemed void.

4. Each applicant for registration shall accompany the application for registration with a registration fee to be paid to the director of revenue for the licensing period for which registration is sought.

5. If the application is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid; except that, whenever in the opinion of the board the applicant's failure to register is caused by extenuating circumstances including illness of the applicant, as defined by rule, the delinquent fee may be waived by the board.

6. Upon application and submission by such person of evidence satisfactory to the board that such person is licensed to practice in this state and upon the payment of fees required to be paid by this chapter, the board shall issue to such person a certificate of registration. The certificate of registration shall contain the name of the person to whom it is issued and his or her office address, the expiration date, and the number of the license to practice.



36           7. Upon receiving such certificate, every person shall cause the certificate to be readily  
37 available or conspicuously displayed at all times in every practice location maintained by such  
38 person in the state. If the licensee maintains more than one practice location in this state, the  
39 board shall, without additional fee, issue to such licensee duplicate certificates of registration for  
40 each practice location so maintained. If any licensee changes practice locations during the period  
41 for which any certificate of registration has been issued, the licensee shall, within fifteen days  
42 thereafter, notify the board of such change and the board shall issue to the licensee, without  
43 additional fee, a new registration certificate showing the new location.

44           8. Whenever any new license is granted to any physical therapist or physical therapist  
45 assistant under the provisions of this chapter, the board shall, upon application therefor, issue to  
46 such physical therapist or physical therapist assistant a certificate of registration covering a  
47 period from the date of the issuance of the license to the next renewal date without the payment  
48 of any registration fee.

49

50 EXPLANATION:    UPDATES THE REFERENCE TO THE COMMISSION ON  
51 ACCREDITATION IN PHYSICAL THERAPY EDUCATION:

          334.610. Any person who holds himself or herself out to be a physical therapist or a  
2 licensed physical therapist within this state or any person who advertises as a physical therapist  
3 or claims that the person can render physical therapy services and who, in fact, does not hold a  
4 valid physical therapist license is guilty of a class B misdemeanor and, upon conviction, shall  
5 be punished as provided by law. Any person who, in any manner, represents himself or herself  
6 as a physical therapist, or who uses in connection with such person's name the words or letters  
7 "physical therapist", "physiotherapist", "registered physical therapist", "doctor of physical  
8 therapy", "P.T.", "Ph.T.", "P.T.T.", "R.P.T.", "D.P.T.", "M.P.T.", or any other letters, words,  
9 abbreviations or insignia, indicating or implying that the person is a physical therapist without  
10 a valid existing license as a physical therapist issued to such person pursuant to the provisions  
11 of sections 334.500 to 334.620, is guilty of a class B misdemeanor. Nothing in sections 334.500  
12 to 334.620 shall prohibit any person licensed in this state under chapter 331 from carrying out  
13 the practice for which the person is duly licensed, or from advertising the use of physiologic and  
14 rehabilitative modalities; nor shall it prohibit any person licensed or registered in this state under  
15 section 334.735 or any other law from carrying out the practice for which the person is duly  
16 licensed or registered; nor shall it prevent professional and semiprofessional teams, schools,  
17 YMCA clubs, athletic clubs and similar organizations from furnishing treatment to their players  
18 and members. This section, also, shall not be construed so as to prohibit masseurs and  
19 masseuses from engaging in their practice not otherwise prohibited by law and provided they do  
20 not represent themselves as physical therapists. This section shall not apply to physicians and

21 surgeons licensed under this chapter or to a person in an entry level of a professional education  
22 program approved by the [commission for accreditation of physical therapists and physical  
23 therapist assistant education] **Commission on Accreditation in Physical Therapy Education**  
24 (CAPTE) who is satisfying supervised clinical education requirements related to the person's  
25 physical therapist or physical therapist assistant education while under on-site supervision of a  
26 physical therapist; or to a physical therapist who is practicing in the United States Armed  
27 [Services] **Forces**, United States Public Health Service, or Veterans Administration under federal  
28 regulations for state licensure for health care providers.

29

30 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN  
31 SUBDIVISION (16) OF SUBSECTION 2:

334.613. 1. The board may refuse to issue or renew a license to practice as a physical  
2 therapist or physical therapist assistant for one or any combination of causes stated in subsection  
3 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and  
4 shall advise the applicant of the applicant's right to file a complaint with the administrative  
5 hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew  
6 a license to practice as a physical therapist or physical therapist assistant, the board may, at its  
7 discretion, issue a license which is subject to probation, restriction, or limitation to an applicant  
8 for licensure for any one or any combination of causes stated in subsection 2 of this section. The  
9 board's order of probation, limitation, or restriction shall contain a statement of the discipline  
10 imposed, the basis therefor, the date such action shall become effective, and a statement that the  
11 applicant has thirty days to request in writing a hearing before the administrative hearing  
12 commission. If the board issues a probationary, limited, or restricted license to an applicant for  
13 licensure, either party may file a written petition with the administrative hearing commission  
14 within thirty days of the effective date of the probationary, limited, or restricted license seeking  
15 review of the board's determination. If no written request for a hearing is received by the  
16 administrative hearing commission within the thirty-day period, the right to seek review of the  
17 board's decision shall be considered as waived.

18 2. The board may cause a complaint to be filed with the administrative hearing  
19 commission as provided by chapter 621 against any holder of a license to practice as a physical  
20 therapist or physical therapist assistant who has failed to renew or has surrendered his or her  
21 license for any one or any combination of the following causes:

22 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
23 an extent that such use impairs a person's ability to perform the work of a physical therapist or  
24 physical therapist assistant;

25           (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
26 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
27 for any offense reasonably related to the qualifications, functions, or duties of a physical therapist  
28 or physical therapist assistant, for any offense an essential element of which is fraud, dishonesty,  
29 or an act of violence, or for any offense involving moral turpitude, whether or not sentence is  
30 imposed;

31           (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of  
32 registration or authority, permit, or license issued under this chapter or in obtaining permission  
33 to take any examination given or required under this chapter;

34           (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or  
35 unprofessional conduct in the performance of the functions or duties of a physical therapist or  
36 physical therapist assistant, including but not limited to the following:

37           (a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by  
38 fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating  
39 patients; or charging for sessions of physical therapy which did not occur unless the services  
40 were contracted for in advance, or for services which were not rendered or documented in the  
41 patient's records;

42           (b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to  
43 obtain or retain a patient or discourage the use of a second opinion or consultation;

44           (c) Willfully and continually performing inappropriate or unnecessary treatment or  
45 services;

46           (d) Delegating professional responsibilities to a person who is not qualified by training,  
47 skill, competency, age, experience, or licensure to perform such responsibilities;

48           (e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method,  
49 procedure, treatment, medicine, or device;

50           (f) Performing services which have been declared by board rule to be of no physical  
51 therapy value;

52           (g) Final disciplinary action by any professional association, professional society,  
53 licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other  
54 state or territory, whether agreed to voluntarily or not, and including but not limited to any  
55 removal, suspension, limitation, or restriction of the person's professional employment,  
56 malpractice, or any other violation of any provision of this chapter;

57           (h) Administering treatment without sufficient examination, or for other than medically  
58 accepted therapeutic or experimental or investigative purposes duly authorized by a state or  
59 federal agency, or not in the course of professional physical therapy practice;

- 60 (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual,  
61 while a physical therapist or physical therapist assistant/patient relationship exists; making sexual  
62 advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of  
63 a sexual nature with patients or clients;
- 64 (j) Terminating the care of a patient without adequate notice or without making other  
65 arrangements for the continued care of the patient;
- 66 (k) Failing to furnish details of a patient's physical therapy records to treating physicians,  
67 other physical therapists, or hospitals upon proper request; or failing to comply with any other  
68 law relating to physical therapy records;
- 69 (l) Failure of any applicant or licensee, other than the licensee subject to the  
70 investigation, to cooperate with the board during any investigation;
- 71 (m) Failure to comply with any subpoena or subpoena duces tecum from the board or  
72 an order of the board;
- 73 (n) Failure to timely pay license renewal fees specified in this chapter;
- 74 (o) Violating a probation agreement with this board or any other licensing agency;
- 75 (p) Failing to inform the board of the physical therapist's or physical therapist assistant's  
76 current telephone number, residence, and business address;
- 77 (q) Advertising by an applicant or licensee which is false or misleading, or which  
78 violates any rule of the board, or which claims without substantiation the positive cure of any  
79 disease, or professional superiority to or greater skill than that possessed by any other physical  
80 therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this  
81 provision if the applicant or licensee has a financial interest in any organization, corporation, or  
82 association which issues or conducts such advertising;
- 83 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or  
84 physical health of a patient or the public; or incompetency, gross negligence, or repeated  
85 negligence in the performance of the functions or duties of a physical therapist or physical  
86 therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure,  
87 on more than one occasion, to use that degree of skill and learning ordinarily used under the  
88 same or similar circumstances by the member of the applicant's or licensee's profession;
- 89 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling  
90 any person to violate, any provision of this chapter, or of any lawful rule adopted under this  
91 chapter;
- 92 (7) Impersonation of any person licensed as a physical therapist or physical therapist  
93 assistant or allowing any person to use his or her license or diploma from any school;
- 94 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,  
95 censure, probation, or other final disciplinary action against a physical therapist or physical

therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;

(12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the [federal Medicare program] **Social Security Act**;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition

132 in any physical therapy facility to the board, in writing, within thirty days after the discovery  
133 thereof;

134 (18) Any candidate for licensure or person licensed to practice as a physical therapist or  
135 physical therapist assistant paying or offering to pay a referral fee or, notwithstanding section  
136 334.010 to the contrary, practicing or offering to practice professional physical therapy  
137 independent of the prescription and direction of a person licensed and registered as a physician  
138 and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor  
139 under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an  
140 advanced practice registered nurse under chapter 335, or any licensed and registered physician,  
141 chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another  
142 jurisdiction, whose license is in good standing;

143 (19) Any candidate for licensure or person licensed to practice as a physical therapist or  
144 physical therapist assistant treating or attempting to treat ailments or other health conditions of  
145 human beings other than by professional physical therapy and as authorized by sections 334.500  
146 to 334.685;

147 (20) A pattern of personal use or consumption of any controlled substance unless it is  
148 prescribed, dispensed, or administered by a physician who is authorized by law to do so;

149 (21) Failing to maintain adequate patient records under 334.602;

150 (22) Attempting to engage in conduct that subverts or undermines the integrity of the  
151 licensing examination or the licensing examination process, including but not limited to utilizing  
152 in any manner recalled or memorized licensing examination questions from or with any person  
153 or entity, failing to comply with all test center security procedures, communicating or attempting  
154 to communicate with any other examinees during the test, or copying or sharing licensing  
155 examination questions or portions of questions;

156 (23) Any candidate for licensure or person licensed to practice as a physical therapist or  
157 physical therapist assistant who requests, receives, participates or engages directly or indirectly  
158 in the division, transferring, assigning, rebating or refunding of fees received for professional  
159 services or profits by means of a credit or other valuable consideration such as wages, an  
160 unearned commission, discount or gratuity with any person who referred a patient, or with any  
161 relative or business associate of the referring person;

162 (24) Being unable to practice as a physical therapist or physical therapist assistant with  
163 reasonable skill and safety to patients by reasons of incompetency, or because of illness,  
164 drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical  
165 condition. The following shall apply to this subdivision:

166 (a) In enforcing this subdivision the board shall, after a hearing by the board, upon a  
167 finding of probable cause, require a physical therapist or physical therapist assistant to submit

168 to a reexamination for the purpose of establishing his or her competency to practice as a physical  
169 therapist or physical therapist assistant conducted in accordance with rules adopted for this  
170 purpose by the board, including rules to allow the examination of the pattern and practice of such  
171 physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental  
172 or physical examination or combination thereof by a facility or professional approved by the  
173 board;

174 (b) For the purpose of this subdivision, every physical therapist and physical therapist  
175 assistant licensed under this chapter is deemed to have consented to submit to a mental or  
176 physical examination when directed in writing by the board;

177 (c) In addition to ordering a physical or mental examination to determine competency,  
178 the board may, notwithstanding any other law limiting access to medical or other health data,  
179 obtain medical data and health records relating to a physical therapist, physical therapist assistant  
180 or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

181 (d) Written notice of the reexamination or the physical or mental examination shall be  
182 sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the  
183 physical therapist or physical therapist assistant at the physical therapist's or physical therapist  
184 assistant's last known address. Failure of a physical therapist or physical therapist assistant to  
185 submit to the examination when directed shall constitute an admission of the allegations against  
186 the physical therapist or physical therapist assistant, in which case the board may enter a final  
187 order without the presentation of evidence, unless the failure was due to circumstances beyond  
188 the physical therapist's or physical therapist assistant's control. A physical therapist or physical  
189 therapist assistant whose right to practice has been affected under this subdivision shall, at  
190 reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or  
191 physical therapist assistant can resume the competent practice as a physical therapist or physical  
192 therapist assistant with reasonable skill and safety to patients;

193 (e) In any proceeding under this subdivision neither the record of proceedings nor the  
194 orders entered by the board shall be used against a physical therapist or physical therapist  
195 assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the  
196 board without the filing of a complaint with the administrative hearing commission;

197 (f) When the board finds any person unqualified because of any of the grounds set forth  
198 in this subdivision, it may enter an order imposing one or more of the disciplinary measures set  
199 forth in subsection 3 of this section.

200 3. After the filing of such complaint before the administrative hearing commission, the  
201 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a  
202 finding by the administrative hearing commission that the grounds provided in subsection 2 of  
203 this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE:



334.618. Upon receiving information that any provision of sections 334.500 to 334.687 has been or is being violated, the executive director of the board or other person designated by the board shall investigate and, upon probable cause appearing, the executive director shall, under the direction of the board, file a complaint with the administrative hearing commission or appropriate official or court. All such complaints shall be handled as provided by rule promulgated under [subdivision (6) of subsection 16 of section 620.010] **section 324.002**.

7

8 EXPLANATION: UPDATES THE REFERENCE TO THE COMMISSION ON  
9 ACCREDITATION IN PHYSICAL THERAPY EDUCATION:

334.686. Any person who holds himself or herself out to be a physical therapist assistant or a licensed physical therapist assistant within this state or any person who advertises as a physical therapist assistant and who, in fact, does not hold a valid physical therapist assistant license is guilty of a class B misdemeanor and, upon conviction, shall be punished as provided by law. Any person who, in any manner, represents himself or herself as a physical therapist assistant, or who uses in connection with such person's name the words or letters, "physical therapist assistant", the letters "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any other letters, words, abbreviations or insignia, indicating or implying that the person is a physical therapist assistant without a valid existing license as a physical therapist assistant issued to such person under the provisions of sections 334.500 to 334.620, is guilty of a class B misdemeanor. This section shall not apply to physicians and surgeons licensed under this chapter or to a person in an entry level of a professional education program approved by the [Commission for Accreditation of Physical Therapists and Physical Therapist Assistant] **Commission on Accreditation in Physical Therapy** Education (CAPTE) who is satisfying supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education while under on-site supervision of a physical therapist; or to a physical therapist who is practicing in the United States Armed Forces, United States Public Health Service, or Veterans Administration under federal regulations for state licensure for health care providers.

19

20 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
21 REFERENCE IN SUBDIVISION (1) OF SUBSECTION 1:

335.036. 1. The board shall:

2 (1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and  
3 the board may appoint, employ and fix the compensation of a legal counsel and such board  
4 personnel as defined in subdivision (4) of subsection [10] **11** of section 324.001 as are necessary  
5 to administer the provisions of sections 335.011 to 335.096;

6 (2) Adopt and revise such rules and regulations as may be necessary to enable it to carry  
7 into effect the provisions of sections 335.011 to 335.096;

8 (3) Prescribe minimum standards for educational programs preparing persons for  
9 licensure pursuant to the provisions of sections 335.011 to 335.096;

10 (4) Provide for surveys of such programs every five years and in addition at such times  
11 as it may deem necessary;

12 (5) Designate as "approved" such programs as meet the requirements of sections 335.011  
13 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall  
14 annually publish a list of such programs;

15 (6) Deny or withdraw approval from educational programs for failure to meet prescribed  
16 minimum standards;

17 (7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

18 (8) Cause the prosecution of all persons violating provisions of sections 335.011 to  
19 335.096, and may incur such necessary expenses therefor;

20 (9) Keep a record of all the proceedings; and make an annual report to the governor and  
21 to the director of the department of insurance, financial institutions and professional registration;

22 (10) Establish an impaired nurse program.

23 2. The board shall set the amount of the fees which this chapter authorizes and requires  
24 by rules and regulations. The fees shall be set at a level to produce revenue which shall not  
25 substantially exceed the cost and expense of administering this chapter.

26 3. All fees received by the board pursuant to the provisions of sections 335.011 to  
27 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of  
28 nursing fund. All administrative costs and expenses of the board shall be paid from  
29 appropriations made for those purposes. The board is authorized to provide funding for the  
30 nursing education incentive program established in sections 335.200 to 335.203.

31 4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund  
32 shall not be transferred and placed to the credit of general revenue until the amount in the fund  
33 at the end of the biennium exceeds two times the amount of the appropriation from the board's  
34 funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently  
35 than yearly, then three times the appropriation from the board's funds for the preceding fiscal  
36 year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds  
37 the appropriate multiple of the appropriations from the board's funds for the preceding fiscal  
38 year.

39 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
40 under the authority delegated in this chapter shall become effective only if it complies with and  
41 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All

42 rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.  
43 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or  
44 adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This  
45 section and chapter 536 are nonseverable and if any of the powers vested with the general  
46 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
47 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
48 any rule proposed or adopted after August 28, 1999, shall be invalid and void.

49

50 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
51 REFERENCE IN SUBSECTION 1:

336.160. 1. The board may adopt reasonable rules and regulations within the scope and  
2 terms of this chapter for the proper administration and enforcement thereof. It may employ such  
3 board personnel, as defined in subdivision (4) of subsection [10] 11 of section 324.001, as it  
4 deems necessary within appropriations therefor.

5 2. The board shall set the amount of the fees which this chapter authorizes and requires  
6 by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level  
7 to produce revenue which shall not substantially exceed the cost and expense of administering  
8 this chapter.

9

10 EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

337.030. 1. Each psychologist licensed pursuant to the provisions of sections 337.010  
2 to 337.090, who has not filed with the committee a verified statement that the psychologist has  
3 retired from or terminated the psychologist's practice of psychology in this state, shall register  
4 with the division on or before the registration renewal date. The division shall require a  
5 registration fee which shall be submitted together with proof of compliance with the continuing  
6 education requirement as provided in section 337.050 and any other information required for  
7 such registration. Upon receipt of the required material and of the registration fee, the division  
8 shall issue a renewal certificate of registration. [The division shall,] When issuing an initial  
9 license to an applicant who has met all of the qualifications of sections 337.010 to 337.093 and  
10 has been approved for licensure by the committee, **the division** shall grant the applicant, without  
11 payment of any further fee, a certificate of registration valid until the next registration renewal  
12 date.

13 2. The division shall mail a renewal notice to the last known address of each licensee  
14 prior to the registration renewal date. Failure to provide the division with the proof of  
15 compliance with the continuing education requirement and other information required for  
16 registration, or to pay the registration fee after such notice shall [effect a revocation of the license

17 after a period of sixty days from the registration renewal date] **result in the expiration of the**  
18 **license.** The license shall be restored if, within two years of the registration renewal date, the  
19 applicant provides written application and the payment of the registration fee and a delinquency  
20 fee and proof of compliance with the requirements for continuing education as provided in  
21 section 337.050.

22 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
23 subject to the rules of the committee, upon payment of a reasonable fee.

24 4. The committee shall set the amount of the fees authorized by sections 337.010 to  
25 337.093 and required by rules and regulations promulgated pursuant to section 536.021. The fees  
26 shall be set at a level to produce revenue which shall not substantially exceed the cost and  
27 expense of administering sections 337.010 to 337.090.

28 5. The committee is authorized to issue an inactive license to any licensee who makes  
29 written application for such license on a form provided by the board and remits the fee for an  
30 inactive license established by the committee. An inactive license may be issued only to a person  
31 who has previously been issued a license to practice psychology in this state, who is no longer  
32 regularly engaged in such practice and who does not hold himself or herself out to the public as  
33 being professionally engaged in such practice in this state. Each inactive license shall be subject  
34 to all provisions of this chapter, except as otherwise specifically provided. Each inactive license  
35 may be renewed by the committee subject to all provisions of this section and all other provisions  
36 of this chapter. The inactive licensee shall not be required to submit evidence of completion of  
37 continuing education as required by this chapter. An inactive licensee may apply for a license  
38 to regularly engage in the practice of psychology upon filing a written application on a form  
39 provided by the committee, submitting the reactivation fee established by the committee, and  
40 submitting proof of current competency as established by the committee.

41

42 EXPLANATION: THIS SECTION UPDATES LANGUAGE TO REFLECT THE  
43 LICENSURE OF BEHAVIOR ANALYSTS:

337.347. For reimbursement and billing purposes of section 376.1224, services provided  
2 by a provisionally licensed assistant behavior analyst, a provisionally licensed behavior analyst,  
3 or a temporary licensed behavior analyst shall be billed by the supervising [board-certified]  
4 **licensed** behavior analyst.

5

6 EXPLANATION: THIS SECTION REMOVES LANGUAGE WHICH CONFLICTS WITH  
7 REQUIREMENTS FOR THIRD-PARTY REIMBURSEMENT OR LICENSURE IN  
8 ANOTHER STATE:

337.507. 1. Applications for examination and licensure as a professional counselor shall be in writing, submitted to the division on forms prescribed by the division and furnished to the applicant. The application shall contain the applicant's statements showing his education, experience and such other information as the division may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the registration renewal date. Failure to provide the division with the information required for registration, or to pay the registration fee after such notice shall [effect a revocation of the license after a period of sixty days from the registration renewal date] **result in the expiration of the license**. The license shall be restored if, within two years of the registration date, the applicant provides written application and the payment of the registration fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.500 to 337.540 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.500 to 337.540. All fees provided for in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same with the state treasurer in a fund to be known as the "Committee of Professional Counselors Fund".

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

6. The committee shall hold public examinations at least two times per year, at such times and places as may be fixed by the committee, notice of such examinations to be given to each applicant at least ten days prior thereto.

35

36 EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

337.612. 1. Applications for licensure as a clinical social worker, baccalaureate social worker, advanced macro social worker or master social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The committee shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the committee with the information required for licensure, or to pay the licensure fee after such notice shall [effect a revocation of the license after a period of sixty days from the licensure renewal date] **result in the expiration of the license**. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.600 to 337.689 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.600 to 337.689. All fees provided for in sections 337.600 to 337.689 shall be collected by the director who shall deposit the same with the state treasurer in a fund to be known as the "Clinical Social Workers Fund". After August 28, 2007, the clinical social workers fund shall be called the "Licensed Social Workers Fund" and after such date all references in state law to the clinical social workers fund shall be considered references to the licensed social workers fund.

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the [clinical] **licensed** social workers fund for the preceding fiscal year or, if the committee requires by rule renewal less frequently than yearly, then three times the appropriation from the committee's fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the clinical social workers fund for the preceding fiscal year.

36

## 37 EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

2 337.662. 1. Applications for licensure as a baccalaureate social worker shall be in  
3 writing, submitted to the committee on forms prescribed by the committee and furnished to the  
4 applicant. The application shall contain the applicant's statements showing the applicant's  
5 education, experience and such other information as the committee may require. Each  
6 application shall contain a statement that it is made under oath or affirmation and that the  
7 information contained therein is true and correct to the best knowledge and belief of the  
8 applicant, subject to the penalties provided for the making of a false affidavit or declaration.  
9 Each application shall be accompanied by the fees required by the committee.

10 2. The committee shall mail a renewal notice to the last known address of each licensee  
11 prior to the licensure renewal date. Failure to provide the committee with the information  
12 required for licensure, or to pay the licensure fee after such notice shall [effect a revocation of  
13 the license after a period of sixty days from the licensure renewal date] **result in the expiration**  
14 **of the license.** The license shall be restored if, within two years of the licensure date, the  
15 applicant provides written application and the payment of the licensure fee and a delinquency  
16 fee.

17 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
18 subject to the rules of the committee, upon payment of a fee.

19 4. The committee shall set the amount of the fees which sections 337.650 to 337.689  
20 authorize and require by rules and regulations promulgated pursuant to chapter 536. The fees  
21 shall be set at a level to produce revenue which shall not substantially exceed the cost and  
22 expense of administering the provisions of sections 337.650 to 337.689. All fees provided for  
23 in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with  
24 the state treasurer in the clinical social workers fund established in section 337.612.

## 25 EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

2 337.712. 1. Applications for licensure as a marital and family therapist shall be in  
3 writing, submitted to the committee on forms prescribed by the committee and furnished to the  
4 applicant. The application shall contain the applicant's statements showing the applicant's  
5 education, experience and such other information as the committee may require. Each  
6 application shall contain a statement that it is made under oath or affirmation and that the  
7 information contained therein is true and correct to the best knowledge and belief of the  
8 applicant, subject to the penalties provided for the making of a false affidavit or declaration.  
9 Each application shall be accompanied by the fees required by the division.

10 2. The division shall mail a renewal notice to the last known address of each licensee  
prior to the licensure renewal date. Failure to provide the division with the information required

11 for [license] **licensure**, or to pay the licensure fee after such notice shall [effect a revocation of  
12 the license after a period of sixty days from the license renewal date] **result in the expiration**  
13 **of the license**. The license shall be restored if, within two years of the licensure date, the  
14 applicant provides written application and the payment of the licensure fee and a delinquency  
15 fee.

16 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
17 subject to the rules of the division upon payment of a fee.

18 4. The committee shall set the amount of the fees authorized. The fees shall be set at a  
19 level to produce revenue which shall not substantially exceed the cost and expense of  
20 administering the provisions of sections 337.700 to 337.739. All fees provided for in sections  
21 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state  
22 treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

23 5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund  
24 shall not be transferred and placed to the credit of general revenue until the amount in the fund  
25 at the end of the biennium exceeds two times the amount of the appropriations from the marital  
26 and family therapists' fund for the preceding fiscal year or, if the division requires by rule  
27 renewal less frequently than yearly then three times the appropriation from the fund for the  
28 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the  
29 fund which exceeds the appropriate multiple of the appropriations from the marital and family  
30 therapists' fund for the preceding fiscal year.

31

32 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
33 REFERENCE IN SUBSECTION 2:

338.130. 1. Each member of the board shall receive as compensation an amount set by  
2 the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be  
3 entitled to reimbursement of the member's expenses necessarily incurred in the discharge of the  
4 member's official duties.

5 2. The board may employ such board personnel, as defined in subdivision (4) of  
6 subsection [10] **11** of section 324.001, as it deems necessary to carry out the provisions of this  
7 chapter. The compensation and expenses of such personnel and all expenses incurred by the  
8 board in carrying into execution the provisions of this chapter shall be paid out of the board of  
9 pharmacy fund upon a warrant on the state treasurer.

10

11 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
12 REFERENCE IN SUBSECTION 3:



339.120. 1. There is hereby created the "Missouri Real Estate Commission", to consist of seven persons, citizens of the United States and residents of this state for at least one year prior to their appointment, for the purpose of carrying out and enforcing the provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall be appointed by the governor with the advice and consent of the senate. All members, except one voting public member, of the commission must have had at least ten years' experience as a real estate broker prior to their appointment. The terms of the members of the commission shall be for five years, and until their successors are appointed and qualified. Members to fill vacancies shall be appointed by the governor for the unexpired term. The president of the Missouri Association of Realtors in office at the time shall, at least ninety days prior to the expiration of the term of the board member, other than the public member, or as soon as feasible after the vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five realtors qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Association of Realtors shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association. The commission shall organize annually by selecting from its members a chairman. The commission may do all things necessary and convenient for carrying into effect the provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860, and may promulgate necessary rules compatible with the provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860. Each member of the commission shall receive as compensation an amount set by the commission not to exceed seventy-five dollars for each day devoted to the affairs of the commission, and shall be entitled to reimbursement of his or her expenses necessarily incurred in the discharge of his or her official duties. The governor may remove any commissioner for cause.

2. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical

36 requirements to be met for licensure or whether any person meets such technical requirements  
37 or of the technical competence or technical judgment of a licensee or a candidate for licensure.

38 3. The commission shall employ such board personnel, as defined in subdivision (4) of  
39 subsection [10] **11** of section 324.001, as it shall deem necessary to discharge the duties imposed  
40 by the provisions of sections 339.010 to 339.180 and sections 339.710 to [339.860] **339.855**.

41 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
42 under the authority delegated in sections 339.010 to 339.180 and sections 339.710 to 339.860  
43 shall become effective only if it complies with and is subject to all of the provisions of chapter  
44 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28,  
45 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal  
46 or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied  
47 with all applicable provisions of law. This section and chapter 536 are nonseverable and if any  
48 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
49 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
50 grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be  
51 invalid and void.

52

53 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
54 REFERENCE IN SUBSECTION 1:

345.035. 1. The board may, within the limits of appropriations, employ such board  
2 personnel as defined in subdivision (4) of subsection [10] **11** of section 324.001 as may be  
3 necessary to carry out its duties.

4 2. All expenses of the board shall be paid only from appropriations made for that purpose  
5 from the board of registration for the healing arts fund.

6

7 EXPLANATION: THIS SECTION CONTAINS A TYPOGRAPHICAL ERROR:

382.277. Whenever it appears to the director that any person has committed a violation  
2 of sections 382.040 to 382.090 and the violation prevents the full understanding of the enterprise  
3 risk to the insurer by affiliates or by the insurance holding company system, the violation may  
4 serve as an independent basis for disapproving dividends or distributions and for placing the  
5 insurer under an order of [suspension] **supervision** in accordance with section 375.1160.

6

7 EXPLANATION: THIS SECTION REMOVES OBSOLETE LANGUAGE:

386.145. The chairman of the public service commission[, in the presence of the speaker  
2 of the house of representatives or some member of the house of representatives designated in  
3 writing by said speaker and the president pro tem of the senate or some member of the senate

4 designated in writing by said president pro tem,] may destroy by burning, or otherwise dispose  
5 of as ordered by the public service commission, such records, financial statements and such  
6 public documents which shall at the time of destruction or disposal have been on file in the office  
7 of the public service commission for a period of five years or longer and which are determined  
8 by the public service commission to be obsolete or of no further public use or value, except such  
9 records and documents as may at the time be the subject of litigation or dispute.

10

11 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
12 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

386.890. 1. This section shall be known and may be cited as the "Net Metering and Easy  
2 Connection Act".

3 2. As used in this section, the following terms shall mean:

4 (1) "Avoided fuel cost", the current average cost of fuel for the entity generating  
5 electricity, as defined by the governing body with jurisdiction over any municipal electric utility,  
6 rural electric cooperative as provided in chapter 394, or electrical corporation as provided in this  
7 chapter;

8 (2) "Commission", the public service commission of the state of Missouri;

9 (3) "Customer-generator", the owner or operator of a qualified electric energy generation  
10 unit which:

11 (a) Is powered by a renewable energy resource;

12 (b) Has an electrical generating system with a capacity of not more than one hundred  
13 kilowatts;

14 (c) Is located on a premises owned, operated, leased, or otherwise controlled by the  
15 customer-generator;

16 (d) Is interconnected and operates in parallel phase and synchronization with a retail  
17 electric supplier and has been approved by said retail electric supplier;

18 (e) Is intended primarily to offset part or all of the customer-generator's own electrical  
19 energy requirements;

20 (f) Meets all applicable safety, performance, interconnection, and reliability standards  
21 established by the National Electrical Code, the National Electrical Safety Code, the Institute of  
22 Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory  
23 Commission, and any local governing authorities; and

24 (g) Contains a mechanism that automatically disables the unit and interrupts the flow of  
25 electricity back onto the supplier's electricity lines in the event that service to the  
26 customer-generator is interrupted;

27 (4) "Department", the department of [natural resources] **economic development**;

28 (5) "Net metering", using metering equipment sufficient to measure the difference  
29 between the electrical energy supplied to a customer-generator by a retail electric supplier and  
30 the electrical energy supplied by the customer-generator to the retail electric supplier over the  
31 applicable billing period;

32 (6) "Renewable energy resources", electrical energy produced from wind, solar thermal  
33 sources, hydroelectric sources, photovoltaic cells and panels, fuel cells using hydrogen produced  
34 by one of the above-named electrical energy sources, and other sources of energy that become  
35 available after August 28, 2007, and are certified as renewable by the department;

36 (7) "Retail electric supplier" or "supplier", any municipal utility, electrical corporation  
37 regulated under this chapter, or rural electric cooperative under chapter 394 that provides retail  
38 electric service in this state.

39 3. A retail electric supplier shall:

40 (1) Make net metering available to customer-generators on a first-come, first-served  
41 basis until the total rated generating capacity of net metering systems equals five percent of the  
42 utility's single-hour peak load during the previous year, after which the commission for a public  
43 utility or the governing body for other electric utilities may increase the total rated generating  
44 capacity of net metering systems to an amount above five percent. However, in a given calendar  
45 year, no retail electric supplier shall be required to approve any application for interconnection  
46 if the total rated generating capacity of all applications for interconnection already approved to  
47 date by said supplier in said calendar year equals or exceeds one percent of said supplier's  
48 single-hour peak load for the previous calendar year;

49 (2) Offer to the customer-generator a tariff or contract that is identical in electrical  
50 energy rates, rate structure, and monthly charges to the contract or tariff that the customer would  
51 be assigned if the customer were not an eligible customer-generator but shall not charge the  
52 customer-generator any additional standby, capacity, interconnection, or other fee or charge that  
53 would not otherwise be charged if the customer were not an eligible customer-generator; and

54 (3) Disclose annually the availability of the net metering program to each of its  
55 customers with the method and manner of disclosure being at the discretion of the supplier.

56 4. A customer-generator's facility shall be equipped with sufficient metering equipment  
57 that can measure the net amount of electrical energy produced or consumed by the  
58 customer-generator. If the customer-generator's existing meter equipment does not meet these  
59 requirements or if it is necessary for the electric supplier to install additional distribution  
60 equipment to accommodate the customer-generator's facility, the customer-generator shall  
61 reimburse the retail electric supplier for the costs to purchase and install the necessary additional  
62 equipment. At the request of the customer-generator, such costs may be initially paid for by the  
63 retail electric supplier, and any amount up to the total costs and a reasonable interest charge may

64 be recovered from the customer-generator over the course of up to twelve billing cycles. Any  
65 subsequent meter testing, maintenance or meter equipment change necessitated by the  
66 customer-generator shall be paid for by the customer-generator.

67 5. Consistent with the provisions in this section, the net electrical energy measurement  
68 shall be calculated in the following manner:

69 (1) For a customer-generator, a retail electric supplier shall measure the net electrical  
70 energy produced or consumed during the billing period in accordance with normal metering  
71 practices for customers in the same rate class, either by employing a single, bidirectional meter  
72 that measures the amount of electrical energy produced and consumed, or by employing multiple  
73 meters that separately measure the customer-generator's consumption and production of  
74 electricity;

75 (2) If the electricity supplied by the supplier exceeds the electricity generated by the  
76 customer-generator during a billing period, the customer-generator shall be billed for the net  
77 electricity supplied by the supplier in accordance with normal practices for customers in the same  
78 rate class;

79 (3) If the electricity generated by the customer-generator exceeds the electricity supplied  
80 by the supplier during a billing period, the customer-generator shall be billed for the appropriate  
81 customer charges for that billing period in accordance with subsection 3 of this section and shall  
82 be credited an amount at least equal to the avoided fuel cost of the excess kilowatt-hours  
83 generated during the billing period, with this credit applied to the following billing period;

84 (4) Any credits granted by this subsection shall expire without any compensation at the  
85 earlier of either twelve months after their issuance or when the customer-generator disconnects  
86 service or terminates the net metering relationship with the supplier;

87 (5) For any rural electric cooperative under chapter 394, or municipal utility, upon  
88 agreement of the wholesale generator supplying electric energy to the retail electric supplier, at  
89 the option of the retail electric supplier, the credit to the customer-generator may be provided by  
90 the wholesale generator.

91 6. (1) Each qualified electric energy generation unit used by a customer-generator shall  
92 meet all applicable safety, performance, interconnection, and reliability standards established by  
93 any local code authorities, the National Electrical Code, the National Electrical Safety Code, the  
94 Institute of Electrical and Electronics Engineers, and Underwriters Laboratories for distributed  
95 generation. No supplier shall impose any fee, charge, or other requirement not specifically  
96 authorized by this section or the rules promulgated under subsection 9 of this section unless the  
97 fee, charge, or other requirement would apply to similarly situated customers who are not  
98 customer-generators, except that a retail electric supplier may require that a customer-generator's  
99 system contain a switch, circuit breaker, fuse, or other easily accessible device or feature located

100 in immediate proximity to the customer-generator's metering equipment that would allow a  
101 utility worker the ability to manually and instantly disconnect the unit from the utility's electric  
102 distribution system;

103 (2) For systems of ten kilowatts or less, a customer-generator whose system meets the  
104 standards and rules under subdivision (1) of this subsection shall not be required to install  
105 additional controls, perform or pay for additional tests or distribution equipment, or purchase  
106 additional liability insurance beyond what is required under subdivision (1) of this subsection  
107 and subsection 4 of this section;

108 (3) For customer-generator systems of greater than ten kilowatts, the commission for  
109 public utilities and the governing body for other utilities shall, by rule or equivalent formal action  
110 by each respective governing body:

111 (a) Set forth safety, performance, and reliability standards and requirements; and

112 (b) Establish the qualifications for exemption from a requirement to install additional  
113 controls, perform or pay for additional tests or distribution equipment, or purchase additional  
114 liability insurance.

115 7. (1) Applications by a customer-generator for interconnection of a qualified electric  
116 energy generation unit meeting the requirements of subdivision (3) of subsection 2 of this section  
117 to the distribution system shall be accompanied by the plan for the customer-generator's electrical  
118 generating system, including but not limited to a wiring diagram and specifications for the  
119 generating unit, and shall be reviewed and responded to by the retail electric supplier within  
120 thirty days of receipt for systems ten kilowatts or less and within ninety days of receipt for all  
121 other systems. Prior to the interconnection of the qualified generation unit to the supplier's  
122 system, the customer-generator will furnish the retail electric supplier a certification from a  
123 qualified professional electrician or engineer that the installation meets the requirements of  
124 subdivision (1) of subsection 6 of this section. If the application for interconnection is approved  
125 by the retail electric supplier and the customer-generator does not complete the interconnection  
126 within one year after receipt of notice of the approval, the approval shall expire and the  
127 customer-generator shall be responsible for filing a new application.

128 (2) Upon the change in ownership of a qualified electric energy generation unit, the new  
129 customer-generator shall be responsible for filing a new application under subdivision (1) of this  
130 subsection.

131 8. Each commission-regulated supplier shall submit an annual net metering report to the  
132 commission, and all other nonregulated suppliers shall submit the same report to their respective  
133 governing body and make said report available to a consumer of the supplier upon request,  
134 including the following information for the previous calendar year:

135 (1) The total number of customer-generator facilities;

136 (2) The total estimated generating capacity of its net-metered customer-generators; and

137 (3) The total estimated net kilowatt-hours received from customer-generators.

138 9. The commission shall, within nine months of January 1, 2008, promulgate initial rules  
139 necessary for the administration of this section for public utilities, which shall include  
140 regulations ensuring that simple contracts will be used for interconnection and net metering. For  
141 systems of ten kilowatts or less, the application process shall use an all-in-one document that  
142 includes a simple interconnection request, simple procedures, and a brief set of terms and  
143 conditions. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
144 created under the authority delegated in this section shall become effective only if it complies  
145 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
146 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
147 assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a  
148 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
149 proposed or adopted after August 28, 2007, shall be invalid and void.

150 10. The governing body of a rural electric cooperative or municipal utility shall, within  
151 nine months of January 1, 2008, adopt policies establishing a simple contract to be used for  
152 interconnection and net metering. For systems of ten kilowatts or less, the application process  
153 shall use an all-in-one document that includes a simple interconnection request, simple  
154 procedures, and a brief set of terms and conditions.

155 11. For any cause of action relating to any damages to property or person caused by the  
156 generation unit of a customer-generator or the interconnection thereof, the retail electric supplier  
157 shall have no liability absent clear and convincing evidence of fault on the part of the supplier.

158 12. The estimated generating capacity of all net metering systems operating under the  
159 provisions of this section shall count towards the respective retail electric supplier's  
160 accomplishment of any renewable energy portfolio target or mandate adopted by the Missouri  
161 general assembly.

162 13. The sale of qualified electric generation units to any customer-generator shall be  
163 subject to the provisions of sections 407.700 to 407.720. The attorney general shall have the  
164 authority to promulgate in accordance with the provisions of chapter 536 rules regarding  
165 mandatory disclosures of information by sellers of qualified electric generation units.

166 Any interested person who believes that the seller of any electric generation unit is  
167 misrepresenting the safety or performance standards of any such systems, or who believes that  
168 any electric generation unit poses a danger to any property or person, may report the same to the  
169 attorney general, who shall be authorized to investigate such claims and take any necessary and  
170 appropriate actions.

14. Any costs incurred under this act by a retail electric supplier shall be recoverable in that utility's rate structure.

15. No consumer shall connect or operate an electric generation unit in parallel phase and synchronization with any retail electric supplier without written approval by said supplier that all of the requirements under subdivision (1) of subsection 7 of this section have been met. For a consumer who violates this provision, a supplier may immediately and without notice disconnect the electric facilities of said consumer and terminate said consumer's electric service.

16. The manufacturer of any electric generation unit used by a customer-generator may be held liable for any damages to property or person caused by a defect in the electric generation unit of a customer-generator.

17. The seller, installer, or manufacturer of any electric generation unit who knowingly misrepresents the safety aspects of an electric generation unit may be held liable for any damages to property or person caused by the electric generation unit of a customer-generator.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

393.1025. As used in sections 393.1020 to 393.1030, the following terms mean:

(1) "Commission", the public service commission;

(2) "Department", the department of [natural resources] **economic development**;

(3) "Electric utility", any electrical corporation as defined by section 386.020;

(4) "Renewable energy credit" or "REC", a tradeable certificate of proof that one megawatt-hour of electricity has been generated from renewable energy sources; and

(5) "Renewable energy resources", electric energy produced from wind, solar thermal sources, photovoltaic cells and panels, dedicated crops grown for energy production, cellulosic agricultural residues, plant residues, methane from landfills, from agricultural operations, or from wastewater treatment, thermal depolymerization or pyrolysis for converting waste material to energy, clean and untreated wood such as pallets, hydropower (not including pumped storage) that does not require a new diversion or impoundment of water and that has a nameplate rating of ten megawatts or less, fuel cells using hydrogen produced by one of the above-named renewable energy sources, and other sources of energy not including nuclear that become available after November 4, 2008, and are certified as renewable by rule by the department.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

393.1030. 1. The commission shall, in consultation with the department, prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated



3 from renewable energy resources. Such portfolio requirement shall provide that electricity from  
4 renewable energy resources shall constitute the following portions of each electric utility's sales:

5 (1) No less than two percent for calendar years 2011 through 2013;

6 (2) No less than five percent for calendar years 2014 through 2017;

7 (3) No less than ten percent for calendar years 2018 through 2020; and

8 (4) No less than fifteen percent in each calendar year beginning in 2021. At least two  
9 percent of each portfolio requirement shall be derived from solar energy. The portfolio  
10 requirements shall apply to all power sold to Missouri consumers whether such power is  
11 self-generated or purchased from another source in or outside of this state. A utility may comply  
12 with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy  
13 generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.

14 2. The commission, in consultation with the department and within one year of  
15 November 4, 2008, shall select a program for tracking and verifying the trading of renewable  
16 energy credits. An unused credit may exist for up to three years from the date of its creation.  
17 A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also  
18 be used to satisfy any similar nonfederal requirement. An electric utility may not use a credit  
19 derived from a green pricing program. Certificates from net-metered sources shall initially be  
20 owned by the customer-generator. The commission, except where the department is specified,  
21 shall make whatever rules are necessary to enforce the renewable energy standard. Such rules  
22 shall include:

23 (1) A maximum average retail rate increase of one percent determined by estimating and  
24 comparing the electric utility's cost of compliance with least-cost renewable generation and the  
25 cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking  
26 into proper account future environmental regulatory risk including the risk of greenhouse gas  
27 regulation. Notwithstanding the foregoing, until June 30, 2020, if the maximum average retail  
28 rate increase would be less than or equal to one percent if an electric utility's investment in  
29 solar-related projects initiated, owned or operated by the electric utility is ignored for purposes  
30 of calculating the increase, then additional solar rebates shall be paid and included in rates in an  
31 amount up to the amount that would produce a retail rate increase equal to the difference between  
32 a one percent retail rate increase and the retail rate increase calculated when ignoring an electric  
33 utility's investment in solar-related projects initiated, owned, or operated by the electric utility.  
34 Notwithstanding any provision to the contrary in this section, even if the payment of additional  
35 solar rebates will produce a maximum average retail rate increase of greater than one percent  
36 when an electric utility's investment in solar-related projects initiated, owned or operated by the  
37 electric utility are included in the calculation, the additional solar rebate costs shall be included

38 in the prudently incurred costs to be recovered as contemplated by subdivision (4) of this  
39 subsection;

40 (2) Penalties of at least twice the average market value of renewable energy credits for  
41 the compliance period for failure to meet the targets of subsection 1 of this section. An electric  
42 utility will be excused if it proves to the commission that failure was due to events beyond its  
43 reasonable control that could not have been reasonably mitigated, or that the maximum average  
44 retail rate increase has been reached. Penalties shall not be recovered from customers. Amounts  
45 forfeited under this section shall be remitted to the department to purchase renewable energy  
46 credits needed for compliance. Any excess forfeited revenues shall be used by the [department's  
47 energy center] **division of energy** solely for renewable energy and energy efficiency projects;

48 (3) Provisions for an annual report to be filed by each electric utility in a format  
49 sufficient to document its progress in meeting the targets;

50 (4) Provision for recovery outside the context of a regular rate case of prudently incurred  
51 costs and the pass-through of benefits to customers of any savings achieved by an electrical  
52 corporation in meeting the requirements of this section.

53 3. As provided for in this section, except for those electrical corporations that qualify for  
54 an exemption under section 393.1050, each electric utility shall make available to its retail  
55 customers a solar rebate for new or expanded solar electric systems sited on customers' premises,  
56 up to a maximum of twenty-five kilowatts per system, measured in direct current that were  
57 confirmed by the electric utility to have become operational in compliance with the provisions  
58 of section 386.890. The solar rebates shall be two dollars per watt for systems becoming  
59 operational on or before June 30, 2014; one dollar and fifty cents per watt for systems becoming  
60 operational between July 1, 2014, and June 30, 2015; one dollar per watt for systems becoming  
61 operational between July 1, 2015, and June 30, 2016; fifty cents per watt for systems becoming  
62 operational between July 1, 2016, and June 30, 2017; fifty cents per watt for systems becoming  
63 operational between July 1, 2017, and June 30, 2019; twenty-five cents per watt for systems  
64 becoming operational between July 1, 2019, and June 30, 2020; and zero cents per watt for  
65 systems becoming operational after June 30, 2020. An electric utility may, through its tariffs,  
66 require applications for rebates to be submitted up to one hundred eighty-two days prior to the  
67 June thirtieth operational date. Nothing in this section shall prevent an electrical corporation  
68 from offering rebates after July 1, 2020, through an approved tariff. If the electric utility  
69 determines the maximum average retail rate increase provided for in subdivision (1) of  
70 subsection 2 of this section will be reached in any calendar year, the electric utility shall be  
71 entitled to cease paying rebates to the extent necessary to avoid exceeding the maximum average  
72 retail rate increase if the electrical corporation files with the commission to suspend its rebate  
73 tariff for the remainder of that calendar year at least sixty days prior to the change taking effect.

74 The filing with the commission to suspend the electrical corporation's rebate tariff shall include  
75 the calculation reflecting that the maximum average retail rate increase will be reached and  
76 supporting documentation reflecting that the maximum average retail rate increase will be  
77 reached. The commission shall rule on the suspension filing within sixty days of the date it is  
78 filed. If the commission determines that the maximum average retail rate increase will be  
79 reached, the commission shall approve the tariff suspension. The electric utility shall continue  
80 to process and pay applicable solar rebates until a final commission ruling; however, if the  
81 continued payment causes the electric utility to pay rebates that cause it to exceed the maximum  
82 average retail rate increase, the expenditures shall be considered prudently incurred costs as  
83 contemplated by subdivision (4) of subsection 2 of this section and shall be recoverable as such  
84 by the electric utility. As a condition of receiving a rebate, customers shall transfer to the electric  
85 utility all right, title, and interest in and to the renewable energy credits associated with the new  
86 or expanded solar electric system that qualified the customer for the solar rebate for a period of  
87 ten years from the date the electric utility confirmed that the solar electric system was installed  
88 and operational.

89 4. The department shall, in consultation with the commission, establish by rule a  
90 certification process for electricity generated from renewable resources and used to fulfill the  
91 requirements of subsection 1 of this section. Certification criteria for renewable energy  
92 generation shall be determined by factors that include fuel type, technology, and the  
93 environmental impacts of the generating facility. Renewable energy facilities shall not cause  
94 undue adverse air, water, or land use impacts, including impacts associated with the gathering  
95 of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources,  
96 only the portion of electrical output attributable to renewable energy resources shall be used to  
97 fulfill the portfolio requirements.

98 5. In carrying out the provisions of this section, the commission and the department shall  
99 include methane generated from the anaerobic digestion of farm animal waste and thermal  
100 depolymerization or pyrolysis for converting waste material to energy as renewable energy  
101 resources for purposes of this section.

102 6. The commission shall have the authority to promulgate rules for the implementation  
103 of this section, but only to the extent such rules are consistent with, and do not delay the  
104 implementation of, the provisions of this section. Any rule or portion of a rule, as that term is  
105 defined in section 536.010, that is created under the authority delegated in this section shall  
106 become effective only if it complies with and is subject to all of the provisions of chapter 536  
107 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
108 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
109 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the

110 grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be  
111 invalid and void.

112

113 EXPLANATION: SUBSECTION 8 OF THIS SECTION EXPIRED 09-01-14:

407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a  
2 for-profit entity or natural person to collect unwanted household items via a public receptacle  
3 and resell the deposited items for profit unless the deposited item receptacle prominently displays  
4 a statement in bold letters at least two inches high and two inches wide stating: "DEPOSITED  
5 ITEMS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR  
6 PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE."

7 2. It shall be an unfair business practice in violation of section 407.020 for a for-profit  
8 entity or natural person to collect donations of unwanted household items via a public receptacle  
9 and resell the donated items where some or all of the proceeds from the sale are directly given  
10 to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold  
11 letters at least two inches high and two inches wide stating: "DONATIONS TO THE  
12 FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of  
13 proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of  
14 the nonprofit beneficiary organization's name)."

15 3. It shall be an unfair business practice in violation of section 407.020 for a for-profit  
16 entity or natural person to collect donations of unwanted household items via a public receptacle  
17 and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon  
18 the proceeds generated by the sale of the collected goods, and one hundred percent of the  
19 proceeds from the sale of the items are given directly to the not-for-profit, unless the donation  
20 receptacle prominently displays a statement in bold letters at least two inches high and two  
21 inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE  
22 FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF OF (name of the  
23 nonprofit beneficiary organization's name)."

24 4. It shall be an unfair business practice in violation of section 407.020 for a  
25 not-for-profit entity to collect donations of unwanted household items via a public receptacle and  
26 resell the donated items unless the donation receptacle prominently displays a statement in bold  
27 letters at least two inches high and two inches wide stating: "THIS RECEPTACLE IS OWNED  
28 AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity)  
29 AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE  
30 OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity  
31 name/charitable cause)."

32           5. The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean  
33 a primary color on a white background so as to be clearly visible to the public.

34           6. Nothing in this section shall apply to paper, glass, or aluminum products that are  
35 donated for the purpose of being recycled in the manufacture of other products.

36           7. All receptacles described in this section shall conspicuously display the name, address,  
37 and telephone number of the owner and operator of the receptacle. The owner or operator of the  
38 receptacle shall maintain permission to place the receptacle on the property from the property  
39 owner or his or her agent where the receptacle is located. Such permission shall be in writing  
40 and clearly identify the owner of the receptacle and property owner or his or her agent in addition  
41 to the nature of the collections and where proceeds will be accrued. Failure to secure such  
42 permission shall constitute an unfair business practice in addition to any other statutory  
43 conditions. Unless otherwise agreed upon in writing, the property owner or his or her agent may  
44 remove the receptacle. Any charges incurred in such removal shall be the responsibility of the  
45 owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar  
46 days of the sending of a written certified letter from the property owner stating his or her intent  
47 to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the  
48 receptacle does not conspicuously display the name, address, and telephone number of the owner  
49 and operator of the receptacle, the receptacle shall be considered abandoned property and may  
50 be destroyed or permanently possessed by the property owner or their agent.

51           [8. Any owner and operator of a receptacle that does not display the address of the owner  
52 and operator, but does display the website of the owner and operator, shall make the address  
53 easily accessible on such website for the property owner to send the letter specified in subsection  
54 7 of this section. The provisions of this subsection shall expire on September 1, 2014.]

55

56 EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE  
57 OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE  
58 ORDER 13-03:

          414.400. 1. As used in sections 414.400 to 414.417, the following terms mean:

2           (1) "Alternative fuel", any fuel, including any alcohol fuel containing eighty-five percent  
3 or more by volume of such alcohol or other such percentage not less than seventy percent if  
4 determined by the United States Department of Energy by rule to be necessary to provide for the  
5 requirements of cold start, safety, or vehicle functions, natural gas, liquefied petroleum gas, any  
6 fuel other than alcohol derived from biological materials when designated by the United States  
7 Department of Energy as an alternative fuel, and hydrogen, or any power source, including  
8 electricity, and any other fuel that the United States Department of Energy determines by final  
9 rule is substantially not petroleum and would yield substantial energy security and environmental

10 benefits, used in a vehicle that complies with the standards and requirements applicable to such  
11 vehicle pursuant to sections 414.400 to 414.417 when using such fuel or power source;

12 (2) "CAFE standard", the federal Corporate Average Fuel Economy standard, 15 U.S.C.  
13 2002 or 40 CFR Parts 86 and 600 or 49 CFR Part 538 or proposed rule 49 CFR Part 538 until  
14 such rule is finalized;

15 (3) "Department", the department of [natural resources] **economic development**;

16 (4) "Director", the director of the department of [natural resources] **economic**  
17 **development**;

18 (5) "State agency", the same meaning as such term is defined in section 536.010;

19 (6) "Vehicle fleet", any fleet comprised of vehicles with a manufacturer's gross vehicle  
20 weight rating of not more than eight thousand five hundred pounds registered for operation on  
21 the highways of this state pursuant to chapter 301.

22 2. The department in consultation with the commissioner of administration shall develop  
23 and implement a program to manage and progressively reduce state agency vehicle fleet fuel  
24 consumption and promote the use of alternative fuels. The program shall require state agencies  
25 to meet minimum guidelines for efficient fleet management. Such guidelines shall be updated  
26 and revised every two years and shall require the overall vehicle fleet fuel efficiency for each  
27 agency to meet or exceed the fuel efficiency that would be achieved if each vehicle in the  
28 agency's fleet met the CAFE standard. The department may promulgate rules necessary to  
29 implement such guidelines. Further, provided that suppliers or state agencies have or can  
30 reasonably be expected to have established alternative fuel refueling stations as needed, the  
31 program shall require that at least thirty percent of all motor fuel purchased annually for use in  
32 alternative fuel vehicles, calculated in gasoline gallon equivalents, to be alternative fuel by July  
33 1, 2001. Any alternative fuel purchased by a state agency for use in vehicles not included in their  
34 vehicle fleet as defined in subsection 1 of this section, calculated in gasoline gallon equivalents,  
35 may be credited toward the annual alternative fuel purchase goal. The program shall  
36 systematically replace existing state-owned vehicles and vehicles paid for with any state money,  
37 including vehicles purchased by the university system, with vehicles manufactured, assembled  
38 or produced in the United States, as required by sections 34.350 to 34.359.

39 3. The commissioner of administration shall identify specific vehicle models within each  
40 vehicle procurement class that meet or exceed the CAFE standard. State agencies shall identify  
41 specific vehicle models within each vehicle procurement class that have a life cycle cost which  
42 is less than or equal to the average life cycle cost of those vehicles in the class which are  
43 manufactured, assembled or produced in the United States. Life cycle costs shall include but are  
44 not limited to the original cost of the vehicle, conversion cost if applicable, costs associated with  
45 vehicle emissions to the extent that such statistics are available, and projected cost of operation,

46 including fuel cost and maintenance and salvage value to the extent that reliable maintenance and  
47 salvage value statistics are available. Unless a state agency submits to the department a fleet  
48 efficiency plan that complies with the minimum guidelines for energy efficiency established  
49 pursuant to subsection 2 of this section, or unless otherwise approved by the office of  
50 administration pursuant to subsection 4 of this section, all purchases of vehicles for state agency  
51 vehicle fleets shall meet the above standards.

52 4. The commissioner of administration may waive the CAFE standard requirements of  
53 subsection 3 of this section, for only those vehicles which satisfy one or more of the following  
54 conditions, for any state agency upon receipt of documentation that has been certified by the  
55 director of the state agency as satisfying one or more of the following conditions:

56 (1) Such vehicles are used primarily in off-road, construction, or road maintenance  
57 applications;

58 (2) Such vehicles are regularly used in the movement of maintenance or construction  
59 equipment;

60 (3) Such vehicles are trucks or utility vehicles as defined by the office of administration  
61 that are regularly used to transport trailers for the purpose of moving state equipment; or

62 (4) Such vehicles are vehicles with manufacturer-stated seating capacity exceeding that  
63 for six persons and the director of the agency has certified that the vehicle will be used to  
64 transport its rated capacity in persons and/or cargo. Agencies which are granted such waivers  
65 shall comply with the planning requirements of section 414.403.

66 5. The purchase of all class III vehicles, as defined by the office of administration, shall  
67 be approved through the appropriations process for all departments except the highway patrol.  
68 The provisions of this subsection shall not apply to the purchase of used vehicles from the  
69 highway patrol.

70

71 EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE  
72 OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE  
73 ORDER 13-03:

414.406. 1. The director of the department of [natural resources] **economic**  
2 **development** shall review each agency's vehicle fleet plan and the vehicular demands of the  
3 agency by vehicle class. The office of administration shall only purchase for an agency those  
4 vehicles which conform to the agency's plan as outlined in sections 414.400 and 414.403.

5 2. Each state agency shall annually file a report with the director of the department of  
6 [natural resources] **economic development** on forms provided by the department showing its  
7 progress in achieving the requirements and goals of sections 414.400 to 414.417. The director  
8 of the department of [natural resources] **economic development** shall compile such information

9 into an annual report and submit such report to the commissioner of administration, the secretary  
10 of the senate, the clerk of the house of representatives and the chairman of each committee of  
11 jurisdiction of the general assembly.

12 3. The director's report shall document progress in achieving the requirements and goals  
13 of sections 414.400 to 414.417 and shall include, but not be limited to, annual fuel consumption,  
14 number of vehicles, vehicle miles traveled, average fleet fuel economy, estimated cost savings  
15 and state use of alternative fuels.

16

17 EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL  
18 REFERENCE IN SUBSECTION 3:

414.412. 1. The director may reduce any percentage specified or waive the requirement  
2 of subsection 3 of section 414.410 for any state agency upon receipt of certification supported  
3 by evidence acceptable to the director that:

4 (1) The agency's vehicles will be operating primarily in an area in which neither the  
5 agency nor a supplier has or can reasonably be expected to have a central refueling station for  
6 alternative fuels; or

7 (2) The agency is unable to acquire or operate vehicles within the cost limitations of  
8 section 414.400 or section 414.415; or

9 (3) The use of alternative fuels would not meet the energy conservation and exhaust  
10 emissions reduction criteria of subsection 2 of section 414.410.

11 2. State agencies shall submit information describing the acquisition and use of vehicles  
12 capable of using alternative fuels to the department in a format prescribed by the department.  
13 The report shall include for each vehicle model capable of using alternative fuel:

14 (1) The types of alternative fuels used;

15 (2) The number of miles traveled using alternative fuels and the ratios to the total  
16 numbers of miles traveled;

17 (3) The number of vehicles owned which are capable of using alternative fuels;

18 (4) Maintenance costs.

19 3. Each state-owned vehicle equipped to operate on gasoline, other than vehicles using  
20 alternative fuel, shall use a fuel ethanol blend as defined in section [142.027] **142.028**, when  
21 available at a competitive price, as its motor fuel, unless the United States Environmental  
22 Protection Agency, or the governor by executive order, promulgates rules which prohibit, limit  
23 or otherwise regulate the use of ethanol-blended fuels in ozone nonattainment areas, as defined  
24 by Section 107 of the federal Clean Air Act, as amended, or in an area designated as a  
25 maintenance area for ozone under Section 175A of the federal Clean Air Act, as amended,  
26 state-owned vehicles shall not be required to use a fuel ethanol blend.



27 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
28 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

414.417. 1. Sections 414.400 to 414.417 shall not apply to the purchase or lease of a  
2 vehicle to be used primarily for criminal law enforcement or to the purchase or lease of a  
3 motorcycle, all-terrain vehicle, ambulance, or any type of vehicle for which the Environmental  
4 Protection Agency has not published fuel economy comparisons.

5 2. Notwithstanding the provisions of sections 414.400 to 414.417, the department of  
6 natural resources **and the department of economic development** may acquire vehicles which  
7 use alternative fuels for the purposes of assessing and demonstrating either or both alternative  
8 vehicles and alternative fuels.

9

10 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
11 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

414.510. As used in sections 414.500 to 414.590, the following terms mean:

2 (1) "Council", the Missouri propane education and research council created pursuant to  
3 section 414.530;

4 (2) "Director", the director of the division of energy of the department of [natural  
5 resources] **economic development** or the director's designee;

6 (3) "Education", any action to provide information on propane, propane use equipment,  
7 mechanical and technical practices, and propane uses to consumers and to members of the  
8 propane industry;

9 (4) "Manufacturers and distributors of LP-gas use equipment", any person or firm  
10 engaged in the manufacturing, assembling and marketing of appliances, containers and products  
11 used in the LP-gas industry, and those persons and firms in the wholesale marketing of  
12 appliances, containers and products used in the LP-gas industry;

13 (5) "Marketing", any action taken by the council to present positive information about  
14 propane to the public, including paid promotional advertising;

15 (6) "Person", any individual, group of individuals, partnership, association, cooperative,  
16 corporation, or any other entity;

17 (7) "Producer", the owner of the propane at the time it is recovered at a manufacturing  
18 facility, irrespective of the state where production occurs;

19 (8) "Propane" includes propane, butane, mixtures, and liquefied petroleum gas as defined  
20 by the National Fire Protection Association Standard 58 for the storage and handling of liquefied  
21 petroleum gases;

22 (9) "Public member", a member of the council selected from among significant users of  
23 odorized propane, organizations representing significant users of odorized propane, public safety  
24 officials, state propane gas regulatory officials, or voluntary standard-setting organizations;

25 (10) "Qualified industry organization", the National Propane Gas Association, the  
26 Missouri Propane Gas Association, the Gas Processors Association, or a successor association;

27 (11) "Research", any type of study, investigation or other activity designed to advance  
28 the image, desirability, usage, marketability, efficiency and safety of propane and propane use  
29 equipment, and to further the development of such information and products;

30 (12) "Retail marketer", a business engaged primarily in the selling of propane gas, its  
31 appliances and equipment to the ultimate consumer or to retail propane dispensers;

32 (13) "Transporter", any person involved in the commercial transportation of propane by  
33 pipeline, truck, rail or water;

34 (14) "Wholesaler" or "reseller", a seller of propane who is not a producer and who does  
35 not sell propane to the ultimate consumer.

36

37 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
38 AND THE TRANSFER OF THE SECTION TO THE APPROPRIATE CHAPTER IS  
39 NECESSARY BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE  
40 ORDER 13-03:

[640.150.] **620.035.** 1. The department of [natural resources] **economic development**  
2 shall be vested with the powers and duties prescribed by law and shall have the power to carry  
3 out the following activities:

4 (1) Assessing the impact of national energy policies on this state's supply and use of  
5 energy and this state's public health, safety and welfare;

6 (2) Consulting and cooperating with all state and federal governmental agencies,  
7 departments, boards and commissions and all other interested agencies and institutions,  
8 governmental and nongovernmental, public and private, on matters of energy research and  
9 development, management, conservation and distribution;

10 (3) The monitoring and analyzing of all federal, state, local and voluntarily disclosed  
11 private sector energy research projects and voluntarily disclosed private sector energy related  
12 data and information concerning supply and consumption, in order to plan for the future energy  
13 needs of this state. All information gathered shall be maintained, revised and updated as an aid  
14 to any interested person, foundation or other organization, public or private;

15 (4) Analyzing the potential for increased utilization of coal, nuclear, solar, resource  
16 recovery and reuse, landfill gas, projects to reduce and capture methane and other greenhouse

17 gas emissions from landfills, energy efficient technologies and other energy alternatives, and  
18 making recommendations for the expanded use of alternate energy sources and technologies;

19 (5) Entering into cooperative agreements with other states, political subdivisions, private  
20 entities, or educational institutions for the purpose of seeking and securing federal grants for the  
21 department and its partners in the grants;

22 (6) The development and promotion of state energy conservation programs, including:

23 (a) Public education and information in energy-related areas;

24 (b) Developing energy efficiency standards for agricultural and industrial energy use and  
25 for new and existing buildings, to be promoted through technical assistance efforts by  
26 cooperative arrangements with interested public, business and civic groups and by cooperating  
27 with political subdivisions of this state;

28 (c) Preparing plans for reducing energy use in the event of an energy or other resource  
29 supply emergency.

30 2. No funds shall be expended to implement the provisions of this section until funds are  
31 specifically appropriated for that purpose. In order to carry out its responsibilities under this  
32 section, the department may expend any such appropriated funds by entering into agreements,  
33 contracts, grants, subgrants, or cooperative arrangements under various terms and conditions in  
34 the best interest of the state with other state, federal, or interstate agencies, political subdivisions,  
35 not-for-profit entities or organizations, educational institutions, or other entities, both public and  
36 private, to carry out its responsibilities.

37

38 EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:

620.511. 1. There is hereby established the ["Missouri Workforce Investment Board"],  
2 **"Missouri Workforce Development Board", formerly known as the Missouri workforce**  
3 **investment board, and** hereinafter referred to as "the board" in sections 620.511 to 620.513.

4 2. The purpose of the board is to provide workforce investment activities, through  
5 statewide and local workforce investment systems, that increase the employment, retention, and  
6 earnings of participants, and increase occupational skill attainment by participants, and, as a  
7 result, improve the quality of the workforce, reduce welfare dependency, and enhance the  
8 productivity and competitiveness of the state of Missouri. The board shall be the state's advisory  
9 board pertaining to workforce preparation policy.

10 3. The board shall meet the requirements of the federal [Workforce Investment Act of  
11 1998, hereinafter referred to as the "WIA", P.L. 105-220] **Workforce Innovation and**  
12 **Opportunity Act of 2014, hereinafter referred to as the "WIOA", P.L. 113-128**, as amended.  
13 Should another federal law supplant the [WIA] **WIOA**, all references in sections 620.511 to  
14 620.513 to the [WIA] **WIOA** shall apply as well to the new federal law.

15           4. Composition of the board shall comply with the [WIA] **WIOA**. Board members  
16 appointed by the governor shall be subject to the advice and consent of the senate. Consistent  
17 with the requirements of the [WIA] **WIOA**, the governor shall designate one member of the  
18 board to be its chairperson.

19           5. [Except as otherwise provided in subsection 6 of this section,] Each member of the  
20 board shall serve for a term of four years, subject to the pleasure of the governor, and until a  
21 successor is duly appointed. In the event of a vacancy on the board, the vacancy shall be filled  
22 in the same manner as the original appointment and said replacement shall serve the remainder  
23 of the original appointee's unexpired term.

24           6. Of the members initially appointed to the **WIOA, formerly known as the WIA**,  
25 board, one-fourth shall be appointed for a term of four years, one-fourth shall be appointed for  
26 a term of three years, one-fourth shall be appointed for a term of two years, and one-fourth shall  
27 be appointed for a term of one year.

28           7. **WIOA** board members shall receive no compensation, but shall be reimbursed for all  
29 necessary expenses actually incurred in the performance of their duties.

30

31 EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:

          620.512. 1. The board shall establish bylaws governing its organization, operation, and  
2 procedure consistent with sections 620.511 to 620.513, and consistent with the [WIA] **WIOA**.

3           2. The board shall meet at least four times each year at the call of the chairperson.

4           3. In order to assure objective management and oversight, the board shall not operate  
5 programs or provide services directly to eligible participants, but shall exist solely to plan,  
6 coordinate, and monitor the provisions of such programs and services. A member of the board  
7 may not vote on a matter under consideration by the board that regards the provision of services  
8 by the member or by an entity that the member represents or would provide direct financial  
9 benefit to the member or the immediate family of the member. A member of the board may not  
10 engage in any other activity determined by the governor to constitute a conflict of interest.

11           4. The composition and the roles and responsibilities of the board membership may be  
12 amended to comply with any succeeding federal or state legislative or regulatory requirements  
13 governing workforce investment activities, except that the procedure for such change shall be  
14 outlined in state rules and regulations and adopted in the bylaws of the board.

15           5. The department of economic development shall provide professional, technical, and  
16 clerical staff for the board.

17           6. The board may promulgate any rules and regulations necessary to administer the  
18 provisions of sections 620.511 to 620.513. Any rule or portion of a rule, as that term is defined  
19 in section 536.010, that is created under the authority delegated in this section shall become

20 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
21 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
22 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
23 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
24 rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid  
25 and void.

26

27 EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:

620.513. 1. The board shall assist the governor with the functions described in [Section  
2 111(d) of the WIA 29 U.S.C. 2821d] **Section 101(d) of the WIOA, 29 U.S.C. Section 311d,**  
3 and any regulations issued pursuant to the [WIA] **WIOA.**

4 2. The board shall submit an annual report of its activities to the governor, the speaker  
5 of the house of representatives, and the president pro tem of the senate no later than January  
6 thirty-first of each year.

7 3. Nothing in sections 620.511 to 620.513 shall be construed to require or allow the  
8 board to assume or supersede the statutory authority granted to, or impose any duties or  
9 requirements on, the state coordinating board for higher education, the governing boards of the  
10 state's public colleges and universities, the state board of education, or any local educational  
11 agencies.

12

13 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
14 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

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

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

4 (2) "Department", the department of [natural resources] **economic development;**

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

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

12 2. The department shall develop criteria and requirements for certification of qualified  
13 home energy auditors. Any applicant shall provide the department with an application,

14 documentation, or other information as the department may require. The department may  
15 establish periodic requirements for qualified home energy auditors to maintain certification.

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

18

19 EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE  
20 OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE  
21 ORDER 13-03:

640.155. 1. Any energy information which is voluntarily reported or conveyed to **the**  
2 **department of economic development or** the Missouri department of natural resources shall  
3 be considered confidential and shall be exempt upon written request and for a specific period to  
4 be determined by mutual consent from public disclosure that would reveal information traceable  
5 to a private firm, partnership, public corporation, or individual.

6 2. As used in this section, the term "energy information" includes that information  
7 received in whatever form on the fuel reserves, exploration, extraction, production, refining,  
8 distribution, consumption, costs, prices, capital investments, and other matters directly related  
9 to a private firm, partnership, public corporation, or individual.

10 3. In addition to any other penalty provided by law, any officer or employee of the  
11 department of natural resources **or the department of economic development** who, in violation  
12 of the provisions of this section, divulges any information considered confidential under this  
13 section shall be guilty of a class A misdemeanor, and such divulgence shall be grounds for the  
14 summary dismissal of such officer or employee, other provisions of law notwithstanding.

15

16 EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE  
17 OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE  
18 ORDER 13-03:

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

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

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

11 (3) Conduct outreach and education efforts, which may be in coordination with  
12 community action agencies, for the purpose of informing the general public about financial  
13 assistance opportunities for energy conservation, including but not limited to tax incentives.  
14

15 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
16 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

640.160. 1. There is hereby created in the state treasury the "Energy Futures Fund"  
2 which shall consist of money appropriated by the general assembly or received from gifts,  
3 bequests, donations, or from the federal government. The state treasurer shall be custodian of  
4 the fund and may approve disbursements from the fund in accordance with sections 30.170 and  
5 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining  
6 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.  
7 The state treasurer shall invest moneys in the fund in the same manner as other funds are  
8 invested. Any interest and moneys earned on such investments shall be credited to the fund.

9 2. Upon appropriation, the department of [natural resources] **economic development**  
10 may use moneys in the fund created under this section for the purposes of carrying out the  
11 provisions of sections 640.150 to 640.160 including, but not limited to, energy efficiency  
12 programs, energy studies, energy resource analyses, or energy projects. After appropriation, the  
13 department may also expend funds for the administration and management of energy  
14 responsibilities and activities associated with projects and studies funded from the energy futures  
15 fund.  
16

17 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
18 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

640.651. As used in sections 640.651 to 640.686, the following terms mean:

2 (1) "Applicant", any school, hospital, small business, local government or other  
3 energy-using sector or entity authorized by the department through administrative rule, which  
4 submits an application for loans on financial assistance to the department;

5 (2) "Application cycle", the period of time each year, as determined by the department,  
6 that the department shall accept and receive applications seeking loans or financial assistance  
7 under the provisions of sections 640.651 to 640.686;

8 (3) "Authority", the environmental improvement and energy resources authority;

9 (4) "Borrower", a recipient of loan or other financial assistance program funds  
10 subsequent to the execution of loan or financial assistance documents with the department or  
11 other applicable parties provided that a building owned by the state or an agency thereof other

12 than a state college or state university, shall not be eligible for loans or financial assistance  
13 pursuant to sections 640.651 to 640.686;

14 (5) "Building", including initial installation in a new building, any applicant-owned and  
15 -operated structure, group of closely situated structural units that are centrally metered or served  
16 by a central utility plant, or an eligible portion thereof, which includes a heating or cooling  
17 system, or both;

18 (6) "Department", the department of [natural resources] **economic development**;

19 (7) "Energy conservation loan account", an account to be established on the books of a  
20 borrower for purposes of tracking information related to the receipt or expenditure of the loan  
21 funds or financial assistance, and to be used to receive and remit energy cost savings for  
22 purposes of making payments on the loan or financial assistance;

23 (8) "Energy conservation measure" or "ECM", an installation or modification of an  
24 installation in a building or replacement or modification to an energy-consuming process or  
25 system which is primarily intended to maintain or reduce energy consumption and reduce energy  
26 costs, or allow the use of an alternative or renewable energy source;

27 (9) "Energy conservation project" or "project", the design, acquisition, installation, and  
28 implementation of one or more energy conservation measures;

29 (10) "Energy cost savings" or "savings", the value, in terms of dollars, that has or is  
30 estimated to accrue from energy savings or avoided costs due to implementation of an energy  
31 conservation project;

32 (11) "Estimated simple payback", the estimated cost of a project divided by the estimated  
33 energy cost savings;

34 (12) "Fund", the energy set-aside program fund established in section 640.665;

35 (13) "Hospital", a facility as defined in subsection 2 of section 197.020, including any  
36 medical treatment or related facility controlled by a hospital board;

37 (14) "Hospital board", the board of directors having general control of the property and  
38 affairs of the hospital facility;

39 (15) "Loan agreement", a document agreed to by the borrower's school, hospital or  
40 corporate board, principals of a business, the governing body of a local government or other  
41 authorized officials and the department or other applicable parties and signed by the authorized  
42 official thereof, that details all terms and requirements under which the loan is issued or other  
43 financial assistance granted, and describes the terms under which the loan or financial assistance  
44 repayment shall be made;

45 (16) "Payback score", a numeric value derived from the review of an application,  
46 calculated as prescribed by the department, which may include an estimated simple payback or  
47 life-cycle costing method of economic analysis and used solely for purposes of ranking



48 applications for the selection of loan and financial assistance recipients within the balance of  
49 program funds available;

50 (17) "Project cost", all costs determined by the department to be directly related to the  
51 implementation of an energy conservation project, and, for initial installation in a new building,  
52 shall include the incremental cost of a high-efficiency system;

53 (18) "School", an institution operated by a state college or state university, public  
54 agency, political subdivision or a public or private nonprofit organization tax exempt under  
55 Section 501(c)(3) of the Internal Revenue Code which:

56 (a) Provides, and is legally authorized to provide, elementary education or secondary  
57 education, or both, on a day or residential basis;

58 (b) Provides and is legally authorized to provide a program of education beyond  
59 secondary education, on a day or residential basis; admits as students only persons having a  
60 certificate of graduation from a school providing secondary education, or the recognized  
61 equivalent of such certificate; is accredited by a nationally recognized accrediting agency or  
62 association; and provides an educational program for which it awards a bachelor's degree or  
63 higher degree or provides not less than a two-year program which is acceptable for full credit  
64 toward such a degree at any institution which meets the preceding requirements and which  
65 provides such a program; or

66 (c) Provides not less than a one-year program of training to prepare students for gainful  
67 employment in a recognized occupation; provides and is legally authorized to provide a program  
68 of education beyond secondary education, on a day or residential basis; admits as students only  
69 persons having a certificate of graduation from a school providing secondary education, or the  
70 recognized equivalent of such certificate; and is accredited by a nationally recognized accrediting  
71 agency or association;

72 (19) "School board", the board of education having general control of the property and  
73 affairs of any school as defined in this section;

74 (20) "Technical assistance report", a specialized engineering report that identifies and  
75 specifies the quantity of energy savings and related energy cost savings that are likely to result  
76 from the implementation of one or more energy conservation measures;

77 (21) "Unobligated balance", that amount in the fund that has not been dedicated to any  
78 projects at the end of each state fiscal year.

79

80 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
81 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

640.653. 1. An application for loan funds or other financial assistance may be submitted  
2 to the department for the purpose of financing all or a portion of the costs incurred in

3 implementing an energy conservation project. The application shall be accompanied by a  
4 technical assistance report. The application and the technical assistance report shall be in such  
5 form and contain such information, financial or otherwise, as prescribed by the department. This  
6 section shall not preclude any applicant or borrower from joining in a cooperative project with  
7 any other local government or with any state or federal agency or entity in an energy  
8 conservation project; provided that, all other requirements of sections 640.651 to 640.686 are  
9 met.

10         2. Eligible applications shall be assigned a payback score derived from the application  
11 review performed by the department. Applications shall be selected for loans and financial  
12 assistance beginning with the lowest payback score and continuing in ascending order to the  
13 highest payback score until all available program funds have been obligated within any given  
14 application cycle. The selection criteria may be applied per sector or entity to assure equity  
15 pursuant to section 640.674. In no case shall a loan or financial assistance be made to finance  
16 an energy project with a payback score of less than six months or more than ten years or eighty  
17 percent of the expected useful life of the energy conservation measures when the expected useful  
18 life exceeds ten years. Repayment periods are to be determined by the department. Applications  
19 may be approved for loans or financial assistance only in those instances where the applicant has  
20 furnished the department information satisfactory to assure that the project cost will be recovered  
21 through energy cost savings during the repayment period of the loan or financial assistance.  
22 In no case shall a loan or financial assistance be made to an applicant unless the approval of the  
23 governing board or body of the applicant to the loan agreement is obtained and a written  
24 certification of such approval is provided, where applicable.

25         3. The department shall approve or disapprove all applications for loans or financial  
26 assistance which are sent by certified or registered mail or hand delivered and received by the  
27 department's division of energy on, or prior to, the ninetieth day following the date of application  
28 cycle closing. Any applications which are not acted upon by the department by such date shall  
29 be deemed to be approved as submitted.

30         4. The department of elementary and secondary education shall be provided a summary  
31 of all proposed public elementary and secondary school projects for review within fifteen days  
32 from the application deadline. Once projects have been reviewed and selected for loans or  
33 financial assistance by the department, the department of elementary and secondary education  
34 shall have thirty days to certify that those projects selected for loans or financial assistance are  
35 consistent with related state programs for public education facilities.

36         5. The department of health and senior services shall be provided a summary of all  
37 proposed hospital projects for review within fifteen days from the application deadline. Once  
38 projects have been reviewed and selected for loans or financial assistance by the department of

39 [natural resources] **economic development**, the department of health and senior services shall  
40 have thirty days to certify that those projects selected for loans or financial assistance are  
41 consistent with related health requirements for hospital facilities.

42 6. The coordinating board for higher education shall be provided a summary of all  
43 proposed public higher education facility projects for review within fifteen days from the  
44 application deadline. Once projects have been reviewed and selected for loans and financial  
45 assistance by the department, the coordinating board for higher education shall have thirty days  
46 to certify that those projects selected for loans or financial assistance are consistent with related  
47 state programs for education facilities.

48

49 EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE  
50 OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE  
51 ORDER 13-03:

660.135. 1. The utilicare stabilization fund for any fiscal year shall be funded, subject  
2 to appropriations, by the general assembly.

3 2. The department of social services shall, in coordination with the department of  
4 [natural resources] **economic development**, apply a portion of the funds appropriated annually  
5 by the general assembly to the utilicare stabilization fund established pursuant to section 660.136  
6 to the low income weatherization assistance program of the department of [natural resources]  
7 **economic development**; provided that any project financed with such funds shall be consistent  
8 with federal guidelines for the Weatherization Assistance Program for Low-Income Persons as  
9 authorized by 42 U.S.C. 6861.

10

11 EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE  
12 OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE  
13 ORDER 13-03:

701.500. 1. As used in sections 701.500 to 701.515, the following terms shall mean:

2 (1) "Department", the department of [natural resources] **economic development**;

3 (2) "Director", the director of the department of [natural resources] **economic**  
4 **development**;

5 (3) "Energy Star program", a joint program of the United States Environmental  
6 Protection Agency and the United States Department of Energy that identifies and promotes  
7 energy efficient products and practices.

8 2. The provisions of sections 701.500 to 701.515 shall apply to appliances that do not  
9 have minimum energy efficiency standards required under federal law.

10           3. No person shall sell, offer for sale, or install any new product listed in subsection 2  
11 of this section in the state unless the product meets the minimum energy efficiency standards  
12 under sections 701.500 to 701.515.

13           4. The provisions of sections 701.500 to 701.515 shall not apply to:

14           (1) Consumer electronics; or

15           (2) Products:

16           (a) Manufactured in the state and sold outside the state;

17           (b) Manufactured outside the state and sold at wholesale inside the state for final retail  
18 sale outside the state;

19           (c) Installed in mobile manufactured homes at the time of construction; or

20           (d) Designed expressly for installation and use in recreational vehicles.

21

22 EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
23 BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

          701.509. 1. The "Appliance Energy Efficiency Advisory Group" is hereby created. The  
2 purpose of the advisory group is to advise the department on the development and updating of  
3 the minimum energy efficiency standards for products under sections 701.500 to 701.515. The  
4 advisory group shall consist of the following eleven members who shall be appointed, in  
5 staggered terms, by the director:

6           (1) A representative from the public service commission who is knowledgeable in energy  
7 efficiency;

8           (2) A representative of the office of public counsel;

9           (3) A representative of an electric or natural gas utility who is knowledgeable in energy  
10 efficiency;

11           (4) The director of the [energy center at the department of natural resources] **division**  
12 **of energy of the department of economic development**, or his or her designee;

13           (5) Two representatives from the appliance manufacturing industry;

14           (6) Three representatives with technical knowledge in energy efficiency and appliances,  
15 including but not limited to, electrical or energy engineers;

16           (7) One representative from the home construction industry; and

17           (8) One representative from the commercial building industry.

18           2. Each member shall serve a term of three years and may be reappointed. The advisory  
19 group members shall serve without compensation but may be reimbursed for expenses incurred  
20 in connection with their duties. The advisory group shall meet as needed, but not less than two  
21 times per year. The department shall provide staff for the advisory group.

22

## 23 EXPLANATION: THIS SECTION EXPIRED 06-30-14:

2 [33.295. 1. There is hereby established the "Rebuild Damaged  
3 Infrastructure Program" to provide funding for the reconstruction, replacement,  
4 or renovation of, or repair to, any infrastructure damaged by a presidentially  
5 declared natural disaster, including, but not limited to, the physical components  
6 of interrelated systems providing essential commodities and services to the public  
7 which includes transportation, communication, sewage, water, and electric  
8 systems as well as public elementary and secondary school buildings.

9 2. There is hereby created in the state treasury the "Rebuild Damaged  
10 Infrastructure Fund", which shall consist of money appropriated or collected  
11 under this section. Any amount to be transferred to the fund on July 1, 2013,  
12 pursuant to subsection 2 of section 33.080 and subsection 2 of section 360.045,  
13 in excess of fifteen million dollars shall instead be transferred to the state general  
14 revenue fund. The state treasurer shall be custodian of the fund and may approve  
15 disbursements from the fund in accordance with sections 30.170 and 30.180.  
16 Upon appropriation, money in the fund shall be used solely for the purposes of  
17 this section. Any moneys remaining in the fund at the end of the biennium shall  
18 revert to the credit of the general revenue fund. The state treasurer shall invest  
19 moneys in the fund in the same manner as other funds are invested. Any interest  
20 and moneys earned on such investments shall be credited to the fund.

21 3. No money in the fund shall be expended for the reconstruction,  
22 replacement, or renovation of, or repair to, any infrastructure damaged by a  
23 presidentially declared natural disaster when such reconstruction, replacement,  
24 renovation, or repair is eligible for funding by the United States Department of  
25 Housing and Urban Development through a 2013 supplemental disaster  
26 allocation of community development block grant funds.

27 4. The provisions of this section shall expire on June 30, 2014.]

28 EXPLANATION: THE FUND IN SECTIONS 33.700 TO 33.730 WAS NEVER CREATED;  
29 THESE SECTIONS ARE OBSOLETE:

2 [33.700. There is created "The Governmental Emergency Fund" which  
3 shall consist of all moneys appropriated, transferred or otherwise credited to it by  
4 law not to exceed the sum of one hundred fifty thousand dollars per annum. ]

2 [33.710. 1. There is created "The Governmental Emergency Fund  
3 Committee" consisting of the governor, the commissioner of administration as  
4 ex officio comptroller, the chairman and ranking minority member of the senate  
5 appropriations committee, the chairman and ranking minority member of the  
6 house budget committee, or its successor committee, and the director of the  
7 department of revenue who shall serve as consultant to the committee without  
8 vote.

8                   2. The members of the committee shall serve without compensation but  
9                   shall be reimbursed for actual and necessary expenses incurred by them in the  
10                  performance of their official duties.

11                  3. The committee shall elect from among its members a chair and vice  
12                  chair and such other officers as it deems necessary.]

13

2                   [33.720. The moneys in the fund are subject to allocation and expenditure  
3                   in the manner prescribed in sections 33.700 to 33.730 and only to meet  
4                   emergency and unanticipated requirements necessary to insure the proper  
5                   functioning of state government and to render essential state services when the  
6                   general assembly is not in session and which were not foreseeable or predictable  
7                   at the time of the preparation and adoption of the budget and the passage of  
8                   appropriation measures during the session of the general assembly next preceding  
9                   the occurrence of the emergency and for which moneys, other than from this  
10                  fund, are not available or are insufficient.]

10

2                   [33.730. 1. Requests by a state department or agency for the allocation  
3                   and expenditure of money from the fund shall be made by the administrative head  
4                   of the department or agency in writing to the governor and to the chairman of the  
5                   governmental emergency fund committee who shall transmit the request to the  
6                   committee.

7                   2. The request shall recite the existence of the circumstances which are  
8                   deemed to require the requested allocation and expenditure from the fund, the  
9                   amount necessary to meet the emergency and such other information as the  
10                  committee may by rule or regulation require.

11                  3. No allocation or expenditure of money from the fund shall be made  
12                  except after authorization by a majority vote of the full membership of the  
13                  governmental emergency fund committee and only for the specific purpose  
14                  authorized by the committee. Upon approval of any allocation and expenditure  
15                  from the fund, the committee shall certify to the commissioner of administration  
16                  the amount and purposes allowed.]

16

17 EXPLANATION: THE REPORTING REQUIREMENTS IN THIS SECTION ARE  
18 OBSOLETE:

2                   [61.081. The highway administrator shall report his full name and  
3                   address to the office of the secretary of the state highways and transportation  
4                   commission at Jefferson City within ten days after he is qualified for such office.  
5                   He shall also make an annual report during the month of January in each year,  
6                   when requested so to do, upon blanks furnished by the state highways and  
7                   transportation commission, to the commission, and shall file a copy of such  
8                   report with the county commission. Such report shall show the general condition  
                    of all established public highways, roads, bridges and culverts in the county,

9 together with a general description of all improvements and construction made  
10 during the previous year.]

11

12 EXPLANATION: THIS SECTION IS OBSOLETE DUE TO THE REPEAL OF SECTION  
13 115.346 IN 2014:

2 [71.005. No person shall be a candidate for municipal office unless such  
3 person complies with the provisions of section 115.346 regarding payment of  
4 municipal taxes or user fees.]

5

6 EXPLANATION: SECTIONS 105.380, 105.385, 105.440, AND 105.445 REPEAL  
7 OBSOLETE SOCIAL SECURITY PROVISIONS AND BRING MISSOURI INTO  
8 COMPLIANCE WITH FEDERAL LAW:

2 [105.380. 1. Delinquent payments due under section 105.370 shall bear  
3 interest at a rate equal to that charged by the federal agency for the period for  
4 which said payments are delinquent. No interest shall be charged if less than one  
5 dollar.

6 2. Delinquent wage reports or adjustment reports or contributions due but  
7 not filed or submitted by prescribed due dates shall be subject to a penalty of five  
8 dollars for the first day and one dollar for each day thereafter, or the penalty  
9 prescribed by the federal agency, whichever is greater. No more than one penalty  
10 shall apply in case of any joint failure to file a deposit return and to pay deposit  
11 contributions on the same prescribed due date.

12 3. Extensions to file required annual wage reports and adjustment reports  
13 may be granted by the state agency for good cause providing a written extension  
14 request is mailed to the state agency on or before the prescribed due date with an  
15 estimated deposit no less than the previous deposit, as adjusted. No penalty shall  
16 be applied to any report for which an extension of time has been authorized by  
17 the state agency.

18 4. The state administrator or his designate may, upon written request by  
19 any political subdivision or instrumentality covered by an agreement entered into  
20 under section 105.350 and upon showing of "good cause", abate any portion or  
21 all of a penalty charge which has been assessed in accordance with subsection 2  
22 of this section. Good cause abatement can only be granted within the rules and  
23 regulations established by the state agency pursuant to section 105.430.]

24

2 [105.385. 1. Delinquent payments due under section 105.370, together  
3 with accrued interest and penalties, may, at the request of the state agency, be  
4 deducted from any moneys payable to the subdivision or instrumentality by any  
5 department or agency of the state, or may be recovered in a court of competent  
6 jurisdiction against the political subdivision or instrumentality.

7 2. Whenever the state agency shall certify to any agency of the state  
8 authorized to apportion or allocate funds to political subdivisions or  
9 instrumentalities that any political subdivision or instrumentality is delinquent in

9 its payments as provided by sections 105.300 to 105.440, the amount so certified  
10 shall be withheld from distribution. Upon notification by the state administrator  
11 of the withholding by the distributing agency, the state treasurer, or appropriate  
12 official, if other than the state treasurer, shall transfer the amount so certified or  
13 such part thereof as is available from apportionments or allocations due the  
14 political subdivision or instrumentality to the state agency. In the event the state  
15 agency recovers any delinquent amounts from the political subdivision or  
16 instrumentality, the funds so recovered shall be credited to the fund or funds from  
17 which the transfer was made, and the distributing agency shall then apportion or  
18 allocate to the political subdivision or instrumentality the amount it was  
19 originally entitled to receive by law.

20 3. Whenever any political subdivision or instrumentality which is part of  
21 or located within a county shall become delinquent of any payments due under  
22 section 105.370 and/or 105.380, the state agency may certify to the treasurer or  
23 to any appropriate officer of the county and/or political subdivision or  
24 instrumentality the amount of the delinquent payment plus accrued interest and  
25 penalties. The official receiving such certification shall without regard to formal  
26 administrative procedure and usage of a particular fund, cause payments to be  
27 made out of available funds to the state agency sufficient to cover the amount  
28 certified by the state agency. If any treasurer or appropriate official to which the  
29 delinquent payment certification is so directed shall fail or neglect to perform the  
30 duties imposed upon him by this section he shall be liable upon his bond for the  
31 failure or neglect.]  
32

2 [105.440. The state agency shall make studies concerning the problem  
3 of old age and survivors protection for employees of the state and local  
4 governments and their instrumentalities concerning the operation of agreements  
5 made and plans approved under sections 105.300 to 105.440, and shall submit a  
6 report to the general assembly by April fifteenth of each year covering the  
7 administration and operation of sections 105.300 to 105.440 during the preceding  
8 year, including such recommendations for amendments to sections 105.300 to  
9 105.440 as it considers proper and necessary.]

2 [105.445. 1. The state agency shall have access to all payroll and  
3 disbursement records of political subdivisions and instrumentalities covered by  
4 agreement pursuant to section 105.350. The state agency after giving notice may  
5 order the political subdivision or instrumentality to make its books and records  
6 available to the state agency, at the office of the political subdivision or  
7 instrumentality and may audit those books and records.

8 2. The state agency may recover the actual costs and necessary expenses  
9 for the preparation of required Social Security wage and adjustment reports not  
10 filed with the state agency by a political subdivision or instrumentality. Such  
costs and expenses shall be billed and paid upon completion of wage and



11 adjustment reports and all moneys collected shall be immediately deposited into  
12 the state's general revenue fund.

13 3. The state administrator shall have the power to issue a subpoena duces  
14 tecum to compel the production of any payroll and disbursement records of  
15 political subdivisions and instrumentalities covered by agreement pursuant to  
16 section 105.350.]

17

18 EXPLANATION: THIS SECTION SUNSET 08-28-13:

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

2 (1) "Missouri health care access fund", the fund created in section  
3 191.1056;

4 (2) "Tax credit", a credit against the tax otherwise due under chapter 143,  
5 excluding withholding tax imposed by sections 143.191 to 143.265;

6 (3) "Taxpayer", any individual subject to the tax imposed in chapter 143,  
7 excluding withholding tax imposed by sections 143.191 to 143.265.

8 2. The provisions of this section shall be subject to section 33.282. For  
9 all taxable years beginning on or after January 1, 2007, a taxpayer shall be  
10 allowed a tax credit for donations in excess of one hundred dollars made to the  
11 Missouri health care access fund. The tax credit shall be subject to annual  
12 approval by the senate appropriations committee and the house budget  
13 committee. The tax credit amount shall be equal to one-half of the total donation  
14 made, but shall not exceed twenty-five thousand dollars per taxpayer claiming the  
15 credit. If the amount of the tax credit issued exceeds the amount of the taxpayer's  
16 state tax liability for the tax year for which the credit is claimed, the difference  
17 shall not be refundable but may be carried forward to any of the taxpayer's next  
18 four taxable years. No tax credit granted under this section shall be transferred,  
19 sold, or assigned. The cumulative amount of tax credits which may be issued  
20 under this section in any one fiscal year shall not exceed one million dollars.

21 3. The department of revenue may promulgate rules to implement the  
22 provisions of this section. Any rule or portion of a rule, as that term is defined  
23 in section 536.010, that is created under the authority delegated in this section  
24 shall become effective only if it complies with and is subject to all of the  
25 provisions of chapter 536 and, if applicable, section 536.028. This section and  
26 chapter 536 are nonseverable and if any of the powers vested with the general  
27 assembly pursuant to chapter 536 to review, to delay the effective date, or to  
28 disapprove and annul a rule are subsequently held unconstitutional, then the grant  
29 of rulemaking authority and any rule proposed or adopted after August 28, 2007,  
30 shall be invalid and void.

31 4. Pursuant to section 23.253 of the Missouri sunset act:

32 (1) The provisions of the new program authorized under this section shall  
33 automatically sunset six years after August 28, 2007, unless reauthorized by an  
34 act of the general assembly; and

35 (2) If such program is reauthorized, the program authorized under this  
36 section shall automatically sunset twelve years after the effective date of the  
37 reauthorization of this section; and

38 (3) This section shall terminate on September first of the calendar year  
39 immediately following the calendar year in which the program authorized under  
40 this section is sunset.]

41

42 EXPLANATION: THESE SECTIONS EXPIRED 08-28-14:

[135.900. As used in sections 135.900 to 135.906, the following terms  
2 mean:

3 (1) "Department", the department of economic development;

4 (2) "Director", the director of the department of economic development;

5 (3) "Earned income", all income not derived from retirement accounts,  
6 pensions, or transfer payments;

7 (4) "New business facility", the same meaning as such term is defined in  
8 section 135.100; except that the term "lease" as used therein shall not include the  
9 leasing of property defined in paragraph (d) of subdivision (6) of this section;

10 (5) "Population", all residents living in an area who are not enrolled in  
11 any course at a college or university in the area;

12 (6) "Revenue-producing enterprise":

13 (a) Manufacturing activities classified as SICs 20 through 39;

14 (b) Agricultural activities classified as SIC 025;

15 (c) Rail transportation terminal activities classified as SIC 4013;

16 (d) Renting or leasing of residential property to low- and  
17 moderate-income persons as defined in 42 U.S.C.A. 5302(a)-(20);

18 (e) Motor freight transportation terminal activities classified as SIC 4231;

19 (f) Public warehousing and storage activities classified as SICs 422 and  
20 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

21 (g) Water transportation terminal activities classified as SIC 4491;

22 (h) Airports, flying fields, and airport terminal services classified as SIC  
23 4581;

24 (i) Wholesale trade activities classified as SICs 50 and 51;

25 (j) Insurance carriers activities classified as SICs 631, 632, and 633;

26 (k) Research and development activities classified as SIC 873, except  
27 8733;

28 (l) Farm implement dealer activities classified as SIC 5999;

29 (m) Employment agency activities classified as SIC 7361;

30 (n) Computer programming, data processing, and other computer-related  
31 activities classified as SIC 737;

32 (o) Health service activities classified as SICs 801, 802, 803, 804, 806,  
33 807, 8092, and 8093;

- 34 (p) Interexchange telecommunications service as defined in section  
35 386.020 or training activities conducted by an interexchange telecommunications  
36 company as defined in section 386.020;  
37 (q) Recycling activities classified as SIC 5093;  
38 (r) Banking activities classified as SICs 602 and 603;  
39 (s) Office activities as defined in section 135.100, notwithstanding SIC  
40 classification;  
41 (t) Mining activities classified as SICs 10 through 14;  
42 (u) The administrative management of any of the foregoing activities; or  
43 (v) Any combination of any of the foregoing activities;  
44 (7) "SIC", the standard industrial classification as such classifications are  
45 defined in the 1987 edition of the standard industrial classification manual as  
46 prepared by the executive office of the president, office of management and  
47 budget;  
48 (8) "Transfer payments", payments made under Medicaid, Medicare,  
49 Social Security, child support or custody agreements, and separation agreements.]  
50

2 [135.903. 1. To qualify as a rural empowerment zone, an area shall meet  
all the following criteria:

- 3 (1) The area is one of pervasive poverty, unemployment, and general  
4 distress;  
5 (2) At least sixty-five percent of the population has earned income below  
6 eighty percent of the median income of all residents within the state according to  
7 the United States Census Bureau's American Community Survey, based on the  
8 most recent of five-year period estimate data in which the final year of the  
9 estimate ends in either zero or five or other appropriate source as approved by the  
10 director;  
11 (3) The population of the area is at least four hundred but not more than  
12 three thousand five hundred at the time of designation as a rural empowerment  
13 zone;  
14 (4) The level of unemployment of persons, according to the most recent  
15 data available from the division of employment security or from the United States  
16 Bureau of Census and approved by the director, within the area exceeds one and  
17 one-half times the average rate of unemployment for the state of Missouri over  
18 the previous twelve months, or the percentage of area residents employed on a  
19 full-time basis is less than fifty percent of the statewide percentage of residents  
20 employed on a full-time basis;  
21 (5) The area is situated more than ten miles from any existing rural  
22 empowerment zone;  
23 (6) The area is situated in a county of the third classification without a  
24 township form of government and with more than eight thousand nine hundred  
25 twenty-five but less than nine thousand twenty-five inhabitants; and  
26 (7) The area is not situated in an existing enterprise zone.

27           2. The governing body of any county in which an area may be designated  
28 a rural empowerment zone shall submit to the department an application showing  
29 that the area complies with the requirements of subsection 1 of this section. The  
30 department shall declare the area a rural empowerment zone if upon investigation  
31 the department finds that the area meets the requirements of subsection 1 of this  
32 section. If the area is found not to meet the requirements, the governing body  
33 shall have the opportunity to submit another application for designation as a rural  
34 empowerment zone and the department shall designate the area a rural  
35 empowerment zone if upon investigation the department finds that the area meets  
36 the requirements of subsection 1 of this section.

37           3. There shall be no more than two rural empowerment zones as created  
38 under sections 135.900 to 135.906 in existence at any time.]  
39

          [135.906. All of the Missouri taxable income attributed to a new business  
2 facility in a rural empowerment zone which is earned by a taxpayer establishing  
3 and operating a new business facility located within a rural empowerment zone  
4 shall be exempt from taxation under chapter 143 if such new business facility is  
5 responsible for the creation of ten new full-time jobs in the zone within one year  
6 from the date on which the tax abatement begins. All of the Missouri taxable  
7 income attributed to a revenue-producing enterprise in a rural empowerment zone  
8 which is earned by a taxpayer operating a revenue-producing enterprise located  
9 within a rural empowerment zone and employing nineteen or fewer full-time  
10 employees shall be exempt from taxation under chapter 143 if such  
11 revenue-producing enterprise is responsible for the creation of five new full-time  
12 jobs in the zone within one year from the date on which the tax abatement begins.  
13 All of the Missouri taxable income attributed to a revenue-producing enterprise  
14 in a rural empowerment zone which is earned by a taxpayer operating a  
15 revenue-producing enterprise located within a rural empowerment zone and  
16 employing twenty or more full-time employees shall be exempt from taxation  
17 under chapter 143 if such revenue-producing enterprise is responsible for the  
18 creation of a number of new full-time jobs in the zone equal to twenty-five  
19 percent of the number of full-time employees employed by the revenue-producing  
20 enterprise on the date on which tax abatement begins within one year from the  
21 date on which the tax abatement begins.]  
22

          [135.909. The provisions of sections 135.900 to 135.906 shall expire on  
2 August 28, 2014.]  
3

4 EXPLANATION: THIS SECTION SUNSET ON 08-28-14:

          [137.106. 1. This section may be known and may be cited as "The  
2 Missouri Homestead Preservation Act".

3           2. As used in this section, the following terms shall mean:

4           (1) "Department", the department of revenue;

5 (2) "Director", the director of revenue;  
6 (3) "Disabled", as such term is defined in section 135.010;  
7 (4) "Eligible owner", any individual owner of property who is sixty-five  
8 years old or older as of January first of the tax year in which the individual is  
9 claiming the credit or who is disabled, and who had an income of equal to or less  
10 than the maximum upper limit in the year prior to completing an application  
11 pursuant to this section; or

12 (a) In the case of a married couple owning property either jointly or as  
13 tenants by the entirety, or where only one spouse owns the property, such couple  
14 shall be considered an eligible taxpayer if both spouses have reached the age of  
15 sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years  
16 old and the other spouse is at least sixty years old, and the combined income of  
17 the couple in the year prior to completing an application pursuant to this section  
18 did not exceed the maximum upper limit; or

19 (b) In the case of joint ownership by unmarried persons or ownership by  
20 tenancy in common by two or more unmarried persons, such owners shall be  
21 considered an eligible owner if each person with an ownership interest  
22 individually satisfies the eligibility requirements for an individual eligible owner  
23 under this section and the combined income of all individuals with an interest in  
24 the property is equal to or less than the maximum upper limit in the year prior to  
25 completing an application under this section. If any individual with an ownership  
26 interest in the property fails to satisfy the eligibility requirements of an individual  
27 eligible owner or if the combined income of all individuals with interest in the  
28 property exceeds the maximum upper limit, then all individuals with an  
29 ownership interest in such property shall be deemed ineligible owners regardless  
30 of such other individual's ability to individually meet the eligibility requirements;  
31 or

32 (c) In the case of property held in trust, the eligible owner and recipient  
33 of the tax credit shall be the trust itself provided the previous owner of the  
34 homestead or the previous owner's spouse: is the settlor of the trust with respect  
35 to the homestead; currently resides in such homestead; and but for the transfer of  
36 such property would have satisfied the age, ownership, and maximum upper limit  
37 requirements for income as defined in subdivisions (7) and (8) of this subsection;  
38 No individual shall be an eligible owner if the individual has not paid their  
39 property tax liability, if any, in full by the payment due date in any of the three  
40 prior tax years, except that a late payment of a property tax liability in any prior  
41 year shall not disqualify a potential eligible owner if such owner paid in full the  
42 tax liability and any and all penalties, additions and interest that arose as a result  
43 of such late payment; no individual shall be an eligible owner if such person filed  
44 a valid claim for the senior citizens property tax relief credit pursuant to sections  
45 135.010 to 135.035;

46 (5) "Homestead", as such term is defined pursuant to section 135.010,  
47 except as limited by provisions of this section to the contrary. No property shall

be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection 10 of this section. For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For applications filed between December 31, 2008, and December 31, 2011, the homestead exemption limit shall be based on the increase in tax liability from the base year to the year prior to the application year. For applications filed on or after January 1, 2012, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For purposes of this subdivision, the term "base year" means the year prior to the first year in which the eligible owner's application was approved, or 2006, whichever is later;

(7) "Income", federal adjusted gross income, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required

pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property; and

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value. The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon request for an application, shall:

(1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;

(2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks for inclusion on the form;

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April first and October fifteenth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

133           (2) That the applicant's prior year income was less than the maximum  
134 upper limit;

135           (3) To the address of the homestead property;

136           (4) That any improvements made to the homestead, not made to  
137 accommodate a disabled person, did not total more than five percent of the prior  
138 year appraised value; and

139           (5) The applicant shall also include with the application copies of receipts  
140 indicating payment of property tax by the applicant for the homestead property  
141 for the three prior tax years.

142           7. Each applicant shall send the application to the department by October  
143 fifteenth of each year for the taxpayer to be eligible for the homestead exemption  
144 credit in the tax year next following the calendar year in which the application  
145 was completed.

146           8. If application is made in 2005, upon receipt of the applications, the  
147 department shall calculate the tax liability, adjusted to exclude new construction  
148 or improvements verify compliance with the maximum income limit, verify the  
149 age of the applicants, and make adjustments to these numbers as necessary on the  
150 applications. The department also shall disallow any application where the  
151 applicant has also filed a valid application for the senior citizens property tax  
152 credit, pursuant to sections 135.010 to 135.035. Once adjusted tax liability, age,  
153 and income are verified, the director shall determine eligibility for the credit, and  
154 provide a list of all verified eligible owners to the county collectors or county  
155 clerks in counties with a township form of government by December fifteenth of  
156 each year. By January fifteenth, the county collectors or county clerks in counties  
157 with a township form of government shall provide a list to the department of any  
158 verified eligible owners who failed to pay the property tax due for the tax year  
159 that ended immediately prior. Such eligible owners shall be disqualified from  
160 receiving the credit in the current tax year.

161           9. If application is made after 2005, upon receipt of the applications, the  
162 department shall calculate the tax liability, verify compliance with the maximum  
163 income limit, verify the age of the applicants, and make adjustments to these  
164 numbers as necessary on the applications. The department also shall disallow  
165 any application where the applicant also has filed a valid application for the  
166 senior citizens property tax credit under sections 135.010 to 135.035. Once  
167 adjusted tax liability, age, and income are verified, the director shall determine  
168 eligibility for the credit and provide a list of all verified eligible owners to the  
169 county assessors or county clerks in counties with a township form of  
170 government by December fifteenth of each year. By January fifteenth, the county  
171 assessors shall provide a list to the department of any verified eligible owners  
172 who made improvements not for accommodation of a disability to the homestead  
173 and the dollar amount of the assessed value of such improvements. If the dollar  
174 amount of the assessed value of such improvements totaled more than five



percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

11. For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

12. After setting the homestead exemption limit for applications made in 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation and assessment fund allocation to the county collector's funds of each county or the treasurer ex officio collector's fund in counties with a township form of government where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector or the treasurer ex officio

collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to the collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall determine the apportionment percentage by equally apportioning the appropriation among all eligible applicants on a percentage basis. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After determining the apportionment percentage, the director shall calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys, pursuant to subsection 12 of this section, shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.

17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18. In accordance with the provisions of sections 23.250 to 23.298 and unless otherwise authorized pursuant to section 23.253:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.]

EXPLANATION: 1996 COURT DECISION MADE SECTIONS 143.105 TO 143.107 OBSOLETE:

[143.105. Notwithstanding the provisions of section 143.071, to the contrary, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to five percent of Missouri taxable income.]

2 [143.106. 1. Notwithstanding the provisions of section 143.171, to the  
3 contrary, a taxpayer shall be allowed a deduction for his federal income tax  
4 liability under chapter 1 of the Internal Revenue Code for the same taxable year  
5 for which the Missouri return is being filed after reduction for all credits thereon,  
6 except the credit for payments of federal estimated tax, the credit for the  
7 overpayment of any federal tax, and the credits allowed by the Internal Revenue  
8 Code by section 31 (tax withheld on wages), section 27 (tax of foreign country  
9 and United States possessions), and section 34 (tax on certain uses of gasoline,  
10 special fuels, and lubricating oils).

11 2. If a federal income tax liability for a tax year prior to the applicability  
12 of sections 143.011 to 143.996 for which he was not previously entitled to a  
13 Missouri deduction is later paid or accrued, he may deduct the federal tax in the  
14 later year to the extent it would have been deductible if paid or accrued in the  
15 prior year.]

2 [143.107. 1. Sections 143.105 and 143.106 shall become effective only  
3 if the question prescribed in subsection 2 of this section is submitted to a  
4 statewide vote and a majority of the qualified voters voting on the issue approve  
5 such question, and not otherwise.

6 2. If the supreme court of Missouri does not affirm in whole or in part the  
7 decision in the case of COMMITTEE FOR EDUCATION EQUALITY, et al., v.  
8 STATE OF MISSOURI, et al., No. CV 190-1371CC, and LEE'S SUMMIT  
9 SCHOOL DISTRICT R-VII, et al., v. STATE OF MISSOURI, et al., No. CV  
10 190-510CC, a statewide election shall be held on the first regularly scheduled  
11 statewide election date after such a ruling at which an election can be held  
12 pursuant to chapter 115. At such election the qualified voters of this state shall  
13 vote on the question of whether the taxes prescribed in sections 143.105 and  
14 143.106 shall be applied to all taxable years beginning on or after the date of such  
15 election and not otherwise. If the voters approve such question, sections 160.500  
16 to 160.538, sections 160.545 and 160.550, sections 161.099 and 161.610,  
17 sections 162.203 and 162.1010, section 163.023, sections 166.275 and 166.300,  
18 section 170.254, section 173.750, and sections 178.585 and 178.698 shall expire  
19 thirty days after certification of the results of the election.]

20 EXPLANATION: THIS SECTION CONTAINED A CONTINGENT EXPIRATION DATE OF  
21 2/1/2010. THE DEPARTMENT OF HEALTH AND SENIOR SERVICES DETERMINED  
22 THAT THE TAX CHECKOFF WAS INSUFFICIENT, ALLOWING THIS SECTION TO  
23 EXPIRE. THE REVISOR WAS NOT NOTIFIED:

2 [143.1007. 1. For all tax years beginning on or after January 1, 2006,  
3 each individual or corporation entitled to a tax refund in an amount sufficient to  
4 make an irrevocable designation under this section may designate that any  
5 amount, on a single or a combined return, of the refund due be credited to the  
Missouri public health services fund established in section 192.900. The director

6 of revenue shall establish a method that allows the contribution designations  
7 authorized by this section to be indicated on the first page of each income tax  
8 return form provided by this state. The method may allow for a separate  
9 instruction list for the tax return that lists each authorized contribution  
10 designation. If any individual or corporation which is not entitled to a tax refund  
11 in an amount sufficient to make a designation under this section wishes to make  
12 a contribution to the fund, such individual or corporation may, by separate check,  
13 draft, or other negotiable instrument, send in with the payment of taxes, or may  
14 send in separately, that amount, clearly designated for the fund, and the  
15 department of revenue shall forward such amount to the state treasurer for deposit  
16 to the designated fund as provided in this section.

17 2. The director of revenue shall transfer at least monthly all contributions  
18 designated by individuals under this section to the state treasurer for deposit to  
19 the designated fund.

20 3. The director of revenue shall transfer at least monthly all contributions  
21 designated by corporations under this section, less one percent of the amount in  
22 the fund at the time of the transfer for the cost of collection and handling by the  
23 department of revenue, to be deposited in the state's general revenue fund, to the  
24 state treasurer for deposit to the designated fund.

25 4. A contribution designated under this section shall only be transferred  
26 and deposited in the designated fund after all other claims against the refund from  
27 which such contribution is to be made have been satisfied.

28 5. The moneys transferred and deposited under this section shall be  
29 administered by the department of health and senior services, and shall be used  
30 solely for the following purposes:

31 (1) To provide information on cervical cancer, early detection, testing,  
32 and prevention to the public and health care providers in this state;

33 (2) To collect statistical information on cervical cancer, including but not  
34 limited to age, ethnicity, region, and socioeconomic status of women in this state;  
35 and

36 (3) To provide services and funding for early detection, testing, and  
37 prevention of cervical cancer.

38 6. Not more than twenty percent of the moneys collected under this  
39 section shall be used for the costs of administering this section. Not more than  
40 thirty percent of the moneys collected under this section shall be used for the  
41 purposes listed in subdivision (1) of subsection 5 of this section. Not more than  
42 fifty percent of the moneys collected under this section shall be used for the  
43 purposes listed in subdivision (3) of subsection 5 of this section.

44 7. The directors of revenue and the department of health and senior  
45 services are authorized to promulgate rules and regulations necessary to  
46 administer and enforce this section. Any rule or portion of a rule, as that term is  
47 defined in section 536.010, that is created under the authority delegated in this  
48 section shall become effective only if it complies with and is subject to all of the

provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

8. The director of the department of health and senior services shall determine no later than January 31, 2010, whether moneys sufficient to carry out the provisions of this section have been transferred and deposited under this section. Upon a determination that insufficient moneys have been transferred and deposited under this section, this section shall expire on February 1, 2010, and any moneys remaining in the fund established in this section shall be used solely for existing cancer programs administered by the department of health and senior services. The director shall notify the revisor of statutes upon such determination that this section has expired.]

EXPLANATION: THIS SECTION SUNSET ON 07-10-14:

[160.459. 1. There is hereby established the "Rebuild Missouri Schools Program" under which the state board of education shall distribute no-interest funding to eligible school districts from moneys appropriated by the general assembly to the rebuild Missouri schools program fund for the purposes of this section to assist in paying the costs of emergency projects.

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

(1) "Eligible school district", any public school district that has one or more school facilities that have experienced severe damage or destruction due to an act of God or extreme weather events, including but not limited to tornado, flood, or hail;

(2) "Emergency project", reconstruction, replacement or renovation of, or repair to, any school facilities located in an area that has been declared a disaster area by the governor or President of the United States because of severe damage;

(3) "Fund", the rebuild Missouri schools fund created by this section and funded by appropriations of the general assembly;

(4) "Severe damage", such level of damage as to render all or a substantial portion of a facility within a school district unusable for the purpose for which it was being used immediately prior to the event that caused the damage.

3. Under rules and procedures established by the state board of education, eligible school districts may receive moneys from the fund to pay for the costs of one or more emergency projects.

4. Each eligible school district applying for such funding shall enter into an agreement with the state board of education which shall provide for all of the following:

27 (1) The funding shall be used only to pay the costs of an emergency  
28 project;

29 (2) The eligible school district shall pay no interest for the funding;

30 (3) The eligible school district shall, subject to annual appropriation as  
31 provided in this section, repay the amount of the funding to the fund in annual  
32 installments, which may or may not be equal in amount, not more than twenty  
33 years from the date the funding is received by the eligible school district. If the  
34 fund is no longer in existence, the eligible school district shall repay the amount  
35 of the funding to the general revenue fund;

36 (4) The repayment described in subdivision (3) of this subsection shall  
37 annually be subject to an appropriation by the board of education of the eligible  
38 school district to make such repayment, such appropriation to be, at the discretion  
39 of the eligible school district, from such district's incidental fund or capital  
40 projects fund;

41 (5) As security for the repayment, a pledge from the eligible school  
42 district to the state board of education of the use and occupancy of the school  
43 facilities constituting the emergency project for a period ending not earlier than  
44 the date the repayment shall be completed; and

45 (6) Such other provisions as the state board of education shall provide for  
46 in its rules and procedures or as to which the state board of education and the  
47 eligible school district shall agree.

48 5. The amount of funding awarded by the state board of education for any  
49 emergency project shall not exceed the cost of that emergency project less the  
50 amount of any insurance proceeds or other moneys received by the eligible school  
51 district as a result of the severe damage. If the eligible school district receives  
52 such insurance proceeds or other moneys after it receives funding under the  
53 rebuild Missouri schools program, it shall pay to the state board of education the  
54 amount by which the sum of the funding under the rebuild Missouri schools  
55 program plus the insurance proceeds and other moneys exceeds the cost of the  
56 emergency project. Such payment shall:

57 (1) Be made at the time the annual payment under the agreement is made;

58 (2) Be made whether or not the eligible school district has made an  
59 appropriation for its annual payment;

60 (3) Be in addition to the annual payment; and

61 (4) Not be a credit against the annual payment.

62 6. Repayments from eligible school districts shall be paid into the fund  
63 so long as it is in existence and may be used by the state board of education to  
64 provide additional funding under the rebuild Missouri schools program. If the  
65 fund is no longer in existence, repayments shall be paid to the general revenue  
66 fund.

67 7. The funding provided for under the rebuild Missouri schools program,  
68 and the obligation to repay such funding, shall not be taken into account for

69 purposes of any constitutional or statutory debt limitation applicable to an eligible  
70 school district.

71 8. The state board of education shall establish procedures, criteria, and  
72 deadlines for eligible school districts to follow in applying for assistance under  
73 this section. The state board of education shall promulgate rules and regulations  
74 necessary to implement this section. No regulations, procedures, or deadline  
75 shall be adopted by the state board of education that would serve to exclude or  
76 limit any public school district that received severe damage after April 1, 2006,  
77 from participation in the program established by this section. Any rule or portion  
78 of a rule, as that term is defined in section 536.010, that is created under the  
79 authority delegated in this section shall become effective only if it complies with  
80 and is subject to all of the provisions of chapter 536 and, if applicable, section  
81 536.028. This section and chapter 536 are nonseverable and if any of the powers  
82 vested with the general assembly pursuant to chapter 536 to review, to delay the  
83 effective date, or to disapprove and annul a rule are subsequently held  
84 unconstitutional, then the grant of rulemaking authority and any rule proposed or  
85 adopted after August 28, 2008, shall be invalid and void.

86 9. There is hereby created in the state treasury the "Rebuild Missouri  
87 Schools Fund", which shall consist of money appropriated or collected under this  
88 section. The state treasurer shall be custodian of the fund and may approve  
89 disbursements from the fund in accordance with sections 30.170 and 30.180.  
90 Upon appropriation, money in the fund shall be used solely for the purposes of  
91 this section. Any moneys remaining in the fund at the end of the biennium shall  
92 revert to the credit of the general revenue fund. The state treasurer shall invest  
93 moneys in the fund in the same manner as other funds are invested. Any interest  
94 and moneys earned on such investments shall be credited to the fund.

95 10. Pursuant to section 23.253 of the Missouri sunset act:

96 (1) The provisions of the new program authorized under this section shall  
97 sunset automatically six years after July 10, 2008, unless reauthorized by an act  
98 of the general assembly; and

99 (2) If such program is reauthorized, the program authorized under this  
100 section shall sunset automatically twelve years after the effective date of the  
101 reauthorization of this section; and

102 (3) This section shall terminate on September first of the calendar year  
103 immediately following the calendar year in which the program authorized under  
104 this section is sunset.]

105  
106 EXPLANATION: THIS SECTION SUNSET ON JUNE 30, 2012:

2 [167.194. 1. Beginning July 1, 2008, every child enrolling in  
3 kindergarten or first grade in a public elementary school in this state shall receive  
4 one comprehensive vision examination performed by a state licensed optometrist  
5 or physician. Evidence of the examination shall be submitted to the school no  
later than January first of the first year in which the student is enrolled at the



6 school, provided that the evidence submitted in no way violates any provisions  
7 of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and  
8 Accountability Act of 1996.

9 2. The state board of education, in conjunction with the department of  
10 health and senior services, shall promulgate rules establishing the criteria for  
11 meeting the requirements of subsection 1 of this section, which may include, but  
12 are not limited to, forms or other proof of such examination, or other rules as are  
13 necessary for the enforcement of this section. The form or other proof of such  
14 examination shall include but not be limited to identifying the result of the  
15 examinations performed under subsection 4 of this section, the cost for the  
16 examination, the examiner's qualifications, and method of payment through  
17 either:

- 18 (1) Insurance;
- 19 (2) The state Medicaid program;
- 20 (3) Complimentary; or
- 21 (4) Other form of payment.

22 3. The department of elementary and secondary education, in conjunction  
23 with the department of health and senior services, shall compile and maintain a  
24 list of sources to which children who may need vision examinations or children  
25 who have been found to need further examination or vision correction may be  
26 referred for treatment on a free or reduced-cost basis. The sources may include  
27 individuals, and federal, state, local government, and private programs. The  
28 department of elementary and secondary education shall ensure that the  
29 superintendent of schools, the principal of each elementary school, the school  
30 nurse or other person responsible for school health services, and the parent  
31 organization for each district elementary school receives an updated copy of the  
32 list each year prior to school opening. Professional and service organizations  
33 concerned with vision health may assist in gathering and disseminating the  
34 information, at the direction of the department of elementary and secondary  
35 education.

36 4. For purposes of this section, the following comprehensive vision  
37 examinations shall include but not be limited to:

- 38 (1) Complete case history;
- 39 (2) Visual acuity at distance (aided and unaided);
- 40 (3) External examination and internal examination (ophthalmoscopic  
41 examination);
- 42 (4) Subjective refraction to best visual acuity.

43 5. Findings from the evidence of examination shall be provided to the  
44 department of health and senior services and kept by the optometrist or physician  
45 for a period of seven years.

46 6. In the event that a parent or legal guardian of a child subject to this  
47 section shall submit to the appropriate school administrator a written request that

the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

7. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

EXPLANATION: SECTIONS 168.700 AND 168.702 SUNSET 08-28-13:

[168.700. 1. This act shall be known, and may be cited, as the "Missouri Teaching Fellows Program".

2. As used in this section, the following terms shall mean:

(1) "Department", the Missouri department of higher education;

(2) "Eligible applicant", a high school senior who:

(a) Is a United States citizen;

(b) Has a cumulative grade point average ranking in the top ten percentile in their graduating class and scores in the top twenty percentile on either the ACT or SAT assessment; or has a cumulative grade point average ranking in the top twenty percentile in their graduating class and scores in the top ten percentile of the ACT or SAT assessment;

(c) Upon graduation from high school, attends a Missouri higher education institution and attains a teaching certificate and either a bachelors or graduate degree with a cumulative grade point average of at least three-point zero on a four-point scale or equivalent;

(d) Signs an agreement with the department in which the applicant agrees to engage in qualified employment upon graduation from a higher education institution for five years; and

(e) Upon graduation from the higher education institution, engages in qualified employment;

(3) "Qualified employment", employment as a teacher in a school located in a school district that is not classified as accredited by the state board of education at the time the eligible applicant signs their first contract to teach in such district. Preference in choosing schools to receive participating teachers shall be given to schools in such school districts with a higher-than-the-state-average of students eligible to receive a reduced lunch price under the National School Act, 42 U.S.C. Section 1751, et seq., as amended;

(4) "Teacher", any employee of a school district, regularly required to be certified under laws relating to the certification of teachers, except

superintendents and assistant superintendents but including certified teachers who teach at the prekindergarten level within a prekindergarten program in which no fees are charged to parents or guardians.

3. Within the limits of amounts appropriated therefor, the department shall, upon proper verification to the department by an eligible applicant and the school district in which the applicant is engaged in qualified employment, enter into a one-year contract with eligible applicants to repay the interest and principal on the educational loans of the applicants or provide a stipend to the applicant as provided in subsection 4 of this section. The department may enter into subsequent one-year contracts with eligible applicants, not to total more than five such contracts. The fifth one-year contract shall provide for a stipend to such applicants as provided in subsection 4 of this section. If the school district becomes accredited at any time during which the eligible applicant is teaching at a school under a contract entered into pursuant to this section, nothing in this section shall preclude the department and the eligible applicant from entering into subsequent contracts to teach within the school district. An eligible applicant who does not enter into a contract with the department under the provisions of this subsection shall not be eligible for repayment of educational loans or a stipend under the provisions of subsection 4 of this section.

4. At the conclusion of each of the first four academic years that an eligible applicant engages in qualified employment, up to one-fourth of the eligible applicant's educational loans, not to exceed five thousand dollars per year, shall be repaid under terms provided in the contract. For applicants without any educational loans, the applicant may receive a stipend of up to five thousand dollars at the conclusion of each of the first four academic years that the eligible applicant engages in qualified employment. At the conclusion of the fifth academic year that an eligible applicant engages in qualified employment, a stipend in an amount equal to one thousand dollars shall be granted to the eligible applicant. The maximum of five thousand dollars per year and the stipend of one thousand dollars shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. The amount of any repayment of educational loans or the issuance of a stipend under this subsection shall not exceed the actual cost of tuition, required fees, and room and board for the eligible applicant at the institution of higher education from which the eligible applicant graduated.

5. The department shall maintain a Missouri teaching fellows program coordinator position, the main responsibility of which shall be the identification, recruitment, and selection of potential students meeting the requirements of paragraph (b) of subdivision (2) of subsection 2 of this section. In selecting potential students, the coordinator shall give preference to applicants that

72 represent a variety of racial backgrounds in order to ensure a diverse group of  
73 eligible applicants.

74 6. The department shall promulgate rules to enforce the provisions of this  
75 section, including, but not limited to, applicant eligibility, selection criteria, and  
76 the content of loan repayment contracts. If the number of applicants exceeds the  
77 revenues available for loan repayment or stipends, priority shall be to those  
78 applicants with the highest high school grade-point average and highest scores  
79 on the ACT or SAT assessments.

80 7. Any rule or portion of a rule, as that term is defined in section 536.010,  
81 that is created under the authority delegated in this section shall become effective  
82 only if it complies with and is subject to all of the provisions of chapter 536 and,  
83 if applicable, section 536.028. This section and chapter 536 are nonseverable and  
84 if any of the powers vested with the general assembly pursuant to chapter 536 to  
85 review, to delay the effective date, or to disapprove and annul a rule are  
86 subsequently held unconstitutional, then the grant of rulemaking authority and  
87 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

88 8. There is hereby created in the state treasury the "Missouri Teaching  
89 Fellows Program Fund". The state treasurer shall be custodian of the fund and  
90 may approve disbursements from the fund in accordance with sections 30.170  
91 and 30.180. Private donations, federal grants, and other funds provided for the  
92 implementation of this section shall be placed in the Missouri teaching fellows  
93 program fund. Upon appropriation, money in the fund shall be used solely for  
94 the repayment of loans and the payment of stipends under the provisions of this  
95 section. Notwithstanding the provisions of section 33.080 to the contrary, any  
96 moneys remaining in the fund at the end of the biennium shall not revert to the  
97 credit of the general revenue fund. The state treasurer shall invest moneys in the  
98 fund in the same manner as other funds are invested. Any interest and moneys  
99 earned on such investments shall be credited to the fund.

100 9. Subject to appropriations, the general assembly shall include an  
101 amount necessary to properly fund this section, not to exceed one million dollars  
102 in any fiscal year. The maximum of one million dollars in any fiscal year shall  
103 be adjusted annually by the same percentage as the increase in the general price  
104 level as measured by the Consumer Price Index for All Urban Consumers for the  
105 United States, or its successor index, as defined and officially recorded by the  
106 United States Department of Labor or its successor agency.]

107 [168.702. Pursuant to section 23.253 of the Missouri sunset act:

2 (1) Any new program authorized under section 168.700 shall  
3 automatically sunset six years after August 28, 2007, unless reauthorized by an  
4 act of the general assembly; and

5 (2) If such program is reauthorized, the program authorized under section  
6 168.700 shall automatically sunset twelve years after the effective date of the  
7 reauthorization of this act; and

8                   (3) Section 168.700 shall terminate on September first of the calendar  
9                   year immediately following the calendar year in which a program authorized  
10                  under section 168.700 is sunset.]  
11

12 EXPLANATION: SECTIONS 170.055 TO 170.161 CONTAIN OBSOLETE TEXTBOOK  
13 LANGUAGE:

                  [170.055. No school board shall pay a higher price for books than is paid  
2                  by any other school district in this state, or in any other state purchasing  
3                  textbooks in the open market. No contract for books for a period of more than  
4                  five years shall be made by any school district under the provisions of this law.  
5                  Any owner, agent, solicitor or publisher of textbooks who shall offer for sale in  
6                  this state or sell to any board of directors or board of education textbooks at a  
7                  higher price than herein specified shall be guilty of a misdemeanor and shall upon  
8                  conviction thereof be punished by a fine of not less than five hundred dollars and  
9                  not more than ten thousand dollars for each offense.]  
10

                  [170.061. Before the publisher of any school textbook offers the same for  
2                  sale to any school board in the state of Missouri, he shall file a copy of the  
3                  textbook in the office of the state board of education with a sworn statement of  
4                  the list price and the lowest net price at which the book is sold anywhere in the  
5                  United States under like conditions of distribution. The publisher shall file with  
6                  the state board of education a written agreement to furnish the book or books to  
7                  any school board in Missouri at the price so filed. The publisher must further  
8                  agree to reduce the prices in Missouri if reductions are made elsewhere in the  
9                  country, so that at no time may any book be sold in Missouri at a higher price  
10                 than is received for the same book elsewhere in the country where like methods  
11                 of distribution prevail. The publisher shall further agree that all books offered for  
12                 sale in Missouri shall be equal in quality to those deposited in the office of the  
13                 state board of education as to paper, binding, print, illustration and all points that  
14                 may affect the value of the books.]  
15

                  [170.071. Before the publisher of any school textbook offers it for sale  
2                  to any school board in the state of Missouri, and at the time of the filing of the  
3                  textbook in the office of the state board of education, the publisher shall pay into  
4                  the treasury of the state of Missouri a filing fee of ten dollars for each book  
5                  offered by the publisher. A series of books by the same author and upon the  
6                  same subject constitute one book for this purpose. The fees received constitute  
7                  a fund out of which, upon requisition made by the state board of education, shall  
8                  be paid the expenses of publishing lists and other information for the use of  
9                  school boards, clerk hire and the other necessary expenses in connection with the  
10                 filing of all textbooks submitted for adoption in the state of Missouri.]  
11

2 [170.081. To insure compliance with the conditions under which school  
3 textbooks may be sold in the state of Missouri, the publisher shall file with the  
4 state board of education a bond of not less than two thousand dollars nor more  
5 than ten thousand dollars, to be approved by the state board and the amount to be  
6 fixed by it; upon compliance with this and sections 170.071, 170.131 and  
7 170.141, the publisher shall thereupon be licensed to sell school books in this  
8 state.]

2 [170.091. The state board of education shall furnish annually each school  
3 district with a list of publishers who have conformed to the law relating to sample  
4 books, prices and bond.]

2 [170.101. If in any case the publisher furnishes books inferior in any  
3 particular to the sample on file with the state board of education, or requires  
4 higher prices than those listed with the board, then the school board shall inform  
5 the state board of education of the failure of the publisher to comply with the  
6 terms of his contract. The state board of education shall thereupon notify the  
7 publisher of the complaint, and, if the publisher disregards the notification and  
8 fails to comply immediately with the terms of his contract, then the state board  
9 of education shall institute legal proceedings for the forfeiture of the bond of the  
10 publisher.]

2 [170.111. Before seeking to enter into contract with any school board, the  
3 publisher shall furnish the clerk of the school board with a duplicate printed list  
4 of the books and prices filed with the state board of education.]

2 [170.131. When any publisher of school textbooks files with the state  
3 board of education the samples and lists provided for in section 170.061, the  
4 publisher at the same time shall file a sworn statement that he has no  
5 understanding or agreement of any kind with any other publisher, or interest in  
6 the business of any other publisher, with the effect, design or intent to control the  
7 prices on books or to restrict competition in the adoption or sale thereof.]

2 [170.141. Before being licensed to sell school textbooks in this state, the  
3 publisher thereof shall file with the state board of education a sworn statement,  
4 showing the ownership of the publishing house, with the interest, names and  
5 addresses of the owners, and specifically stating whether or not the publisher, or  
6 the owner of any interest or shares in the publishing house, is the owner of any  
7 interest or shares in any other publishing house, and if so, giving the name and  
8 address thereof.]

2 [170.151. If at any time any publisher enters into any understanding,  
agreement or combination to control the prices or to restrict competition in the

3 adoption or sale of school books, or if the statements required of the publisher by  
4 sections 170.131 and 170.141 are untrue in any respect, then the attorney general  
5 shall institute and prosecute legal proceedings for the forfeiture of the bond of the  
6 publisher and for the revocation of his authority to sell school books in this state,  
7 and all contracts made by the publisher under this law shall thereupon become  
8 null and void at the option of the other parties thereto.]  
9

2 [170.161. Any publisher who sells, or offers for sale or adoption in this  
3 state, school textbooks of any kind without first obtaining licenses therefor under  
4 this law is guilty of a misdemeanor and upon conviction shall be fined not less  
5 than five hundred dollars and not more than five thousand dollars.]

6 EXPLANATION: THIS SECTION IS OBSOLETE DUE TO THE REPEAL OF SECTIONS  
7 173.198 AND 173.199 IN 2012:

2 [173.197. Sections 173.197 to 173.199 shall be known and may be cited  
3 as the "Higher Education Scholarship Program". The general assembly hereby  
4 finds and declares that Missouri citizens should be encouraged to pursue  
5 academic disciplines necessary for the future economic well-being of this state  
6 to maintain competitiveness in a global economy; therefore, the purpose of  
7 sections 173.197 to 173.199 is to increase the number of students pursuing and  
8 receiving undergraduate degrees in mathematics, science, and foreign languages,  
9 and to increase the number of students pursuing and receiving graduate degrees  
10 in mathematics, science, engineering and foreign languages, by offering  
11 scholarships and fellowships as incentives to pursue such disciplines.]

12 EXPLANATION: SECTIONS 205.580 TO 208.760 ARE OBSOLETE; THERE ARE NO  
13 POOR FARMS IN MISSOURI:

2 [205.580. Poor persons shall be relieved, maintained and supported by  
3 the county of which they are inhabitants.]

2 [205.590. Aged, infirm, lame, blind or sick persons, who are unable to  
3 support themselves, and when there are no other persons required by law and able  
4 to maintain them, shall be deemed poor persons.]

2 [205.600. No person shall be deemed an inhabitant within the meaning  
3 of sections 205.580 to 205.760, who has not resided in the county for the space  
4 of twelve months next preceding the time of any order being made respecting  
5 such poor person, or who shall have removed from another county for the  
6 purpose of imposing the burden of keeping such poor person on the county where  
7 he or she last resided for the time aforesaid.]

2 [205.610. The county commission of each county, on the knowledge of  
the judges of such tribunal, or any of them, or on the information of any associate

3 circuit judge of the county in which any person entitled to the benefit of the  
4 provisions of sections 205.580 to 205.760 resides, shall from time to time, and  
5 as often and for as long a time as may be necessary, provide, at the expense of the  
6 county, for the relief, maintenance and support of such persons.]  
7

2 [205.620. The county commission shall at all times use its discretion and  
3 grant relief to all persons, without regard to residence, who may require its  
4 assistance.]

2 [205.630. The county commission of the proper county shall allow such  
3 sum as it shall think reasonable, for the funeral expenses of any person who shall  
4 die within the county without means to pay such funeral expenses.]

2 [205.640. The several county commissions shall have power, whenever  
3 they may think it expedient, to purchase or lease, or may purchase and lease, any  
4 quantity of land in their respective counties, not exceeding three hundred and  
5 twenty acres, and receive a conveyance to their county for the same.]

2 [205.650. Such county commission may cause to be erected on the land  
3 so purchased or leased a convenient poorhouse or houses, and cause other  
4 necessary labor to be done, and repairs and improvements made, and may  
5 appropriate from the revenues of their respective counties such sums as will be  
6 sufficient to pay the purchase money in one or more payments to improve the  
7 same, and to defray the necessary expenses.]

2 [205.660. The county commission shall have power to make all necessary  
3 and proper orders and rules for the support and government of the poor kept at  
4 such poorhouse, and for supplying them with the necessary raw materials to be  
5 converted by their labor into articles of use, and for the disposing of the products  
6 of such labor and applying the proceeds thereof to the support of the institution.]

2 [205.670. The several county commissions shall set apart from the  
3 revenues of the counties such sums for the annual support of the poor as shall  
4 seem reasonable, which sums the county treasurers shall keep separate from other  
5 funds, and pay the same out on the warrants of their county commissions.]

2 [205.680. Any county which now has or may hereafter have within such  
3 county a city having a special charter and which city now has or may hereafter  
4 have a population of not less than ten thousand inhabitants and not more than  
5 thirty thousand inhabitants shall, out of the funds of such county, provide for the  
6 care of the poor in said county, including poor of such city or cities, and no such  
7 city shall hereafter be exempt from any tax for the support of the poor of such  
county. No money shall hereafter be refunded to any such city by any such



8 county on account of any money expended by said county for the support of the  
9 poor of said county.]

10

2 [205.690. Whenever such poorhouse or houses are erected, the county  
3 commission shall have power to appoint a fit and discreet person to superintend  
4 the same and the poor who may be kept thereat, and to allow such superintendent  
5 a reasonable compensation for his services.]

5

2 [205.700. Such superintendent shall have power to cause persons kept at  
3 such poorhouse, who are able to do useful labor, to perform the same by  
4 reasonable and humane coercion.]

4

2 [205.710. The county commission may at any time, for good cause,  
3 remove the superintendent and appoint another to fill the vacancy.]

3

2 [205.720. It shall be the duty of the superintendent of the poor, or poor  
3 farm, as provided for in sections 205.580 to 205.760, to keep a book furnished  
4 by the county commission, and enter therein a book account of all business  
5 transactions had or done or caused to be done by him as superintendent. Said  
6 book shall show an itemized account of all farm products, stock and other articles  
7 sold by the superintendent or by his authority, and of all articles purchased for the  
8 use of the poor, or for the use or improvement of the poor farm or the buildings  
9 thereon, and of all expenses for farm labor and other work or services done by  
10 order or contract of the superintendent, and of such other items as may be ordered  
11 kept therein by the county commission.]

11

2 [205.730. It shall be the duty of the superintendent to appear before the  
3 county commission on the first day of every regular session thereof, and at such  
4 other times as the commission may require, and present said book to said  
5 commission for their inspection. Should the superintendent fail or refuse to keep  
6 such book and present the same to the county commission, as provided in  
7 sections 205.580 to 205.760, it shall be considered sufficient cause for his  
8 removal, and it shall be the duty of the county commission to remove the same,  
9 and appoint another to fill the vacancy.]

9

2 [205.740. All money that shall come into the hands of the superintendent  
3 from the sale of farm products, stock or other articles belonging to the county,  
4 and all other money belonging to the county that shall come into his hands from  
5 other sources, except by warrants drawn in his favor by the county commission,  
6 shall be paid into the county treasury and placed with the fund for the support of  
7 the poor, and a receipt taken for the same.]

7

2 [205.750. Every superintendent, before entering upon his duties, shall  
3 enter into a bond to the state of Missouri in a sum not less than five hundred nor  
4 more than three thousand dollars, to be determined by the county commission,  
5 conditioned that he will faithfully account for all money belonging to the county  
6 that shall come into his hands, and that he will exercise due diligence and care  
7 over property belonging to the county, under his control. Said bond shall be  
8 approved by the county commission and filed with the clerk thereof.]

2 [205.760. Sections 205.720 to 205.750 shall not apply to any county  
3 where the support and keeping of the poor is let out by contract, nor to any county  
4 where the superintendent rents or leases the poor farm and stocks the same and  
5 furnishes the necessary farm implements used thereon at his own expense, and  
6 carries on said farm at his own expense.]

7 EXPLANATION: THIS SECTION SUNSET 08-28-13:

2 [208.178. 1. On or after July 1, 1995, the department of social services  
3 may make available for purchase a policy of health insurance coverage through  
4 the Medicaid program. Premiums for such a policy shall be charged based upon  
5 actuarially sound principles to pay the full cost of insuring persons under the  
6 provisions of this section. The full cost shall include both administrative costs  
7 and payments for services. Coverage under a policy or policies made available  
8 for purchase by the department of social services shall include coverage of all or  
9 some of the services listed in section 208.152 as determined by the director of the  
10 department of social services. Such a policy may be sold to a person who is  
11 otherwise uninsured and who is:

12 (1) A surviving spouse eligible for coverage under sections 376.891 to  
13 376.894, who is determined under rules and regulations of the department of  
14 social services to be unable to afford continuation of coverage under that section;

15 (2) An adult over twenty-one years of age who is not pregnant and who  
16 resides in a household with an income which does not exceed one hundred  
17 eighty-five percent of the federal poverty level for the applicable family size. Net  
18 taxable income shall be used to determine that portion of income of a  
19 self-employed person; or

20 (3) A dependent of an insured person who resides in a household with an  
21 income which does not exceed one hundred eighty-five percent of the federal  
22 poverty level for the applicable family size.

23 2. Any policy of health insurance sold pursuant to the provisions of this  
24 section shall conform to requirements governing group health insurance under  
25 chapters 375, 376, and 379.

26 3. The department of social services shall establish policies governing the  
27 issuance of health insurance policies pursuant to the provisions of this section by  
28 rules and regulations developed in consultation with the department of insurance,  
financial institutions and professional registration.

29 4. Under section 23.253 of the Missouri sunset act:

30 (1) The provisions of the program authorized under this section shall  
31 automatically sunset one year after August 28, 2012, unless reauthorized by an  
32 act of the general assembly; and

33 (2) If such program is reauthorized, the program authorized under this  
34 section shall automatically sunset one year after the effective date of the  
35 reauthorization of this section; and

36 (3) This section shall terminate on September first of the calendar year  
37 immediately following the calendar year in which the program authorized under  
38 this section is sunset.]

39

40 EXPLANATION: SECTION 208.275 CREATING THE COORDINATING COUNCIL ON  
41 SPECIAL TRANSPORTATION WAS REPEALED IN 2014:

[208.630. The coordinating council on special transportation created in  
2 section 208.275 shall, in cooperation with the department of social services,  
3 coordinate existing transportation reports for Missouri's elderly and persons with  
4 disabilities. Such reports shall be compiled as one comprehensive plan to meet  
5 the special transportation needs of the elderly and persons with disabilities. The  
6 plan shall contain a strategy for implementation and recommendations for  
7 funding. The plan shall be delivered to the governor, the president pro tem of the  
8 senate, and the speaker of the house of representatives by September 1, 1995.]

9

10 EXPLANATION: THE FUND IN THIS SECTION IS OBSOLETE AND CONTAINS NO  
11 BALANCE:

[208.975. 1. There is hereby created in the state treasury the "Health  
2 Care Technology Fund" which shall consist of all gifts, donations, transfers, and  
3 moneys appropriated by the general assembly, and bequests to the fund. The  
4 state treasurer shall be custodian of the fund and may approve disbursements  
5 from the fund in accordance with sections 30.170 and 30.180. The fund shall be  
6 administered by the department of social services in accordance with the  
7 recommendations of the MO HealthNet oversight committee unless otherwise  
8 specified by the general assembly. Moneys in the fund shall be distributed in  
9 accordance with specific appropriation by the general assembly. The director of  
10 the department of social services shall submit his or her recommendations for the  
11 disbursement of the funds to the governor and the general assembly.

12 2. Subject to the recommendations of the MO HealthNet oversight  
13 committee under section 208.978 and subsection 1 of this section, moneys in the  
14 fund shall be used to promote technological advances to improve patient care,  
15 decrease administrative burdens, increase access to timely services, and increase  
16 patient and health care provider satisfaction. Such programs or improvements on  
17 technology shall include encouragement and implementation of technologies  
18 intended to improve the safety, quality, and costs of health care services in the  
19 state, including but not limited to the following:

(1) Electronic medical records;  
(2) Community health records;  
(3) Personal health records;  
(4) E-prescribing;  
(5) Telemedicine;  
(6) Telemonitoring; and  
(7) Electronic access for participants and providers to obtain MO HealthNet service authorizations.

3. Prior to any moneys being appropriated or expended from the health care technology fund for the programs or improvements listed in subsection 2 of this section, there shall be competitive requests for proposals consistent with state procurement policies of chapter 34. After such process is completed, the provisions of subsection 1 of this section relating to the administration of fund moneys shall be effective.

4. For purposes of this section, "elected public official or any state employee" means a person who holds an elected public office in a municipality, a county government, a state government, or the federal government, or any state employee, and the spouse of either such person, and any relative within one degree of consanguinity or affinity of either such person.

5. Any amounts appropriated or expended from the health care technology fund in violation of this section shall be remitted by the payee to the fund with interest paid at the rate of one percent per month. The attorney general is authorized to take all necessary action to enforce the provisions of this section, including but not limited to obtaining an order for injunction from a court of competent jurisdiction to stop payments from being made from the fund in violation of this section.

6. Any business or corporation which receives moneys expended from the health care technology fund in excess of five hundred thousand dollars in exchange for products or services and, during a period of two years following receipt of such funds, employs or contracts with any current or former elected public official or any state employee who had any direct decision-making or administrative authority over the awarding of health care technology fund contracts or the disbursement of moneys from the fund shall be subject to the provisions contained within subsection 5 of this section. Employment of or contracts with any current or former elected public official or any state employee which commenced prior to May 1, 2007, shall be exempt from these provisions.

7. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund, except for moneys that were gifts, donations, or bequests.

8. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

62           9. The MO HealthNet division shall promulgate rules setting forth the  
63 procedures and methods implementing the provisions of this section and establish  
64 criteria for the disbursement of funds under this section to include but not be  
65 limited to grants to community health networks that provide the majority of care  
66 provided to MO HealthNet and low-income uninsured individuals in the  
67 community, and preference for health care entities where the majority of the  
68 patients and clients served are either participants of MO HealthNet or are from  
69 the medically underserved population. Any rule or portion of a rule, as that term  
70 is defined in section 536.010, that is created under the authority delegated in this  
71 section shall become effective only if it complies with and is subject to all of the  
72 provisions of chapter 536 and, if applicable, section 536.028. This section and  
73 chapter 536 are nonseverable and if any of the powers vested with the general  
74 assembly pursuant to chapter 536 to review, to delay the effective date, or to  
75 disapprove and annul a rule are subsequently held unconstitutional, then the grant  
76 of rulemaking authority and any rule proposed or adopted after August 28, 2007,  
77 shall be invalid and void.]  
78

79 EXPLANATION: THE JOINT COMMITTEE ON MEDICAID TRANSFORMATION  
80 EXPIRED ON JANUARY 1, 2014:

2           [208.993. 1. The president pro tempore of the senate and the speaker of  
3 the house of representatives may jointly establish a committee to be known as the  
4 "Joint Committee on Medicaid Transformation".

5           2. The committee may study the following:

6           (1) Development of methods to prevent fraud and abuse in the MO  
7 HealthNet system;

8           (2) Advice on more efficient and cost-effective ways to provide coverage  
9 for MO HealthNet participants;

10          (3) An evaluation of how coverage for MO HealthNet participants can  
11 resemble that of commercially available health plans while complying with  
12 federal Medicaid requirements;

13          (4) Possibilities for promoting healthy behavior by encouraging patients  
14 to take ownership of their health care and seek early preventative care;

15          (5) Advice on the best manner in which to provide incentives, including  
16 a shared risk and savings to health plans and providers to encourage  
17 cost-effective delivery of care; and

18          (6) Ways that individuals who currently receive medical care coverage  
19 through the MO HealthNet program can transition to obtaining their health  
20 coverage through the private sector.

21          3. If established, the joint committee shall be composed of twelve  
22 members. Six members shall be from the senate, with four members appointed  
23 by the president pro tempore of the senate, and two members of the minority  
24 party appointed by the president pro tempore of the senate with the advice of the  
minority leader of the senate. Six members shall be from the house of

representatives, with four members appointed by the speaker of the house of representatives, and two members of the minority party appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

4. The provisions of this section shall expire on January 1, 2014.]

EXPLANATION: THE TASK FORCE CREATED IN THIS SECTION SUBMITTED A REPORT AND EXPIRED ON JANUARY 1, 2015:

[210.105. 1. There is hereby created the "Missouri Task Force on Prematurity and Infant Mortality" within the children's services commission to consist of the following eighteen members:

(1) The following six members of the general assembly:

(a) Three members of the house of representatives, with two members to be appointed by the speaker of the house and one member to be appointed by the minority leader of the house;

(b) Three members of the senate, with two members to be appointed by the president pro tem of the senate and one member to be appointed by the minority leader of the senate;

(2) The director of the department of health and senior services, or the director's designee;

(3) The director of the department of social services, or the director's designee;

(4) The director of the department of insurance, financial institutions and professional registration, or the director's designee;

(5) One member representing a not-for-profit organization specializing in prematurity and infant mortality;

(6) Two members who shall be either a physician or nurse practitioner specializing in obstetrics and gynecology, family medicine, pediatrics or perinatology;

(7) Two consumer representatives who are parents of individuals born prematurely, including one parent of an individual under the age of eighteen;

(8) Two members representing insurance providers in the state;

(9) One small business advocate; and

(10) One member of the small business regulatory fairness board.

Members of the task force, other than the legislative members and directors of state agencies, shall be appointed by the governor with the advice and consent of the senate by September 15, 2011.

2. A majority of a quorum from among the task force membership shall elect a chair and vice chair of the task force.

3. A majority vote of a quorum of the task force is required for any action.

4. The chairperson of the children's services commission shall convene the initial meeting of the task force by no later than October 15, 2011. The task

force shall meet at least quarterly; except that the task force shall meet at least twice prior to the end of 2011. Meetings may be held by telephone or video conference at the discretion of the chair.

5. Members shall serve on the commission without compensation, but may, subject to appropriation, be reimbursed for actual and necessary expenses incurred in the performance of their official duties as members of the task force.

6. The goal of the task force is to seek evidence-based and cost-effective approaches to reduce Missouri's preterm birth and infant mortality rates.

7. The task force shall:

(1) Submit findings to the general assembly;

(2) Review appropriate and relevant evidence-based research regarding the causes and effects of prematurity and birth defects in Missouri;

(3) Examine existing public and private entities currently associated with the prevention and treatment of prematurity and infant mortality in Missouri;

(4) Develop cost-effective strategies to reduce prematurity and infant mortality; and

(5) Issue findings and propose to the appropriate public and private organizations goals, objectives, strategies, and tactics designed to reduce prematurity and infant mortality in Missouri, including recommendations on public policy for consideration during the next appropriate session of the general assembly.

8. On or before December 31, 2013, the task force shall submit a report on their findings to the governor and general assembly. The report shall include any dissenting opinions in addition to any majority opinions.

9. The task force shall expire on January 1, 2015, or upon submission of a report under subsection 8 of this section, whichever is earlier.]

EXPLANATION: THIS SECTION IS OBSOLETE; THERE HAS BEEN NO ACTIVITY FROM THE INTERAGENCY WORKGROUP:

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

2. In fulfilling the goals under this section, any of the departments under subsection 1 of this section may confer with, or invite participation by, any other

15 interested individual, agency, or organization, which shall include but not be  
16 limited to nonprofit organizations, private sector entities, institutions of higher  
17 education, and local governments. Such departments may enter into partnerships  
18 with, in accordance with federal grant requirements and as otherwise allowable  
19 by law, any individual, agency, or organization in securing a grant under this  
20 section.

21 3. No later than the first Wednesday after the first Monday of January  
22 each year, the departments outlined in subsection 1 of this section shall report  
23 jointly to the general assembly and to the governor the actions taken by their  
24 agencies in securing the grants outlined in this section.]  
25

26 EXPLANATION: THIS SECTION ONLY APPLIES TO CALENDAR YEARS 2009, 2010,  
27 AND 2011:

2 [288.131. 1. For calendar years 2009, 2010, and 2011, each employer  
3 that is liable for contributions under this chapter, except employers with a  
4 contribution rate equal to zero, shall pay an annual unemployment automation  
5 surcharge in an amount equal to five one-hundredths of one percent of such  
6 employer's total taxable wages for the twelve-month period ending the preceding  
7 June thirtieth. However, the division may reduce the foregoing percentage to  
8 ensure that the total amount of surcharge due from all employers under this  
9 subsection shall not exceed thirteen million dollars annually. Each employer  
10 liable to pay such surcharge shall be notified of the amount due under this  
11 subsection by March thirty-first of each year and such amount shall be considered  
12 delinquent thirty days thereafter. Delinquent unemployment automation  
13 surcharge amounts may be collected in the manner provided under sections  
14 288.160 and 288.170. All moneys collected under this subsection shall be  
15 deposited in the unemployment automation fund established in section 288.132.

16 2. For calendar years 2009, 2010, and 2011, the otherwise applicable  
17 unemployment contribution rate of each employer liable for contributions under  
18 this chapter shall be reduced by five one-hundredths of one percent, except such  
19 contribution rate shall not be less than zero.]

20 EXPLANATION: THIS SECTION EXPIRED 12-31-13:

2 [376.1192. 1. As used in this section, "health benefit plan" and "health  
3 carrier" shall have the same meaning as such terms are defined in section  
4 376.1350.

5 2. Beginning September 1, 2013, the oversight division of the joint  
6 committee on legislative research shall perform an actuarial analysis of the cost  
7 impact to health carriers, insureds with a health benefit plan, and other private  
8 and public payers if state mandates were enacted to provide health benefit plan  
9 coverage for the following:

10 (1) Orally administered anticancer medication that is used to kill or slow  
the growth of cancerous cells charged at the same co-payment, deductible, or



coinsurance amount as intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan;

(2) Diagnosis and treatment of eating disorders that include anorexia nervosa, bulimia, binge eating, eating disorders nonspecified, and any other severe eating disorders contained in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. The actuarial analysis shall assume the following are included in health benefit plan coverage:

(a) Residential treatment for eating disorders, if such treatment is medically necessary in accordance with the Practice Guidelines for the Treatment of Patients with Eating Disorders, as most recently published by the American Psychiatric Association; and

(b) Access to medical treatment that provides coverage for integrated care and treatment as recommended by medical and mental health care professionals, including but not limited to psychological services, nutrition counseling, physical therapy, dietician services, medical monitoring, and psychiatric monitoring.

3. By December 31, 2013, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker of the house of representatives, the president pro tempore of the senate, and the chairpersons of the house of representatives committee on health insurance and the senate small business, insurance and industry committee, or the committees having jurisdiction over health insurance issues if the preceding committees no longer exist.

4. For the purposes of this section, the actuarial analysis of health benefit plan coverage shall assume that such coverage:

(1) Shall not be subject to any greater deductible or co-payment than other health care services provided by the health benefit plan; and

(2) Shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy.

5. The cost for each actuarial analysis shall not exceed thirty thousand dollars and the oversight division of the joint committee on legislative research may utilize any actuary contracted to perform services for the Missouri consolidated health care plan to perform the analysis required under this section.

6. The provisions of this section shall expire on December 31, 2013.]

EXPLANATION: SECTIONS 414.350 TO 414.359 ARE OBSOLETE; THE PROGRAM WAS NOT IMPLEMENTED SINCE ITS AUTHORIZATION IN 1998:

[414.350. As used in sections 414.350 to 414.359, the following terms mean:

- (1) "Alternative fuel", the same meaning as in section 414.400;
- (2) "Division", the division of energy of the department of natural resources;
- (3) "Fueling station", the equipment and property directly related to dispensing of an alternative fuel into the fuel tank of a vehicle propelled by such fuel, including the compression equipment and storage vessels for such fuel at the location where such fuel is dispensed;
- (4) "Fund", the Missouri alternative fuel vehicle loan fund;
- (5) "Incremental cost", the difference in cost between a vehicle that operates on conventional fuel and the cost of the same model vehicle equipped to operate on an alternative fuel;
- (6) "Political subdivision", any county, township, municipal corporation, school district or other governmental unit in this state, but not including any "state agency" as such term is defined in section 536.010; and
- (7) "Vehicle fleet", any fleet owned and operated by a political subdivision and comprised of ten or more motor vehicles with a manufacturer's gross vehicle weight rating of not more than eight thousand five hundred pounds registered for operation on the highways of this state pursuant to chapter 301.]

[414.353. 1. On or before July 1, 2000, the division shall have developed an administrative plan for implementing a program that provides financial assistance to political subdivisions for establishing the capability of using alternative fuels in their vehicle fleets.

2. The program shall accept applications for loans from political subdivisions with vehicle fleets for the:

- (1) Purchase of new motor vehicles capable of using alternative fuels;
- (2) Conversion of motor vehicles which operate on gasoline to enable such vehicles to operate on an alternative fuel; and
- (3) Construction of fueling stations capable of dispensing alternative fuels.

3. The division shall evaluate plans developed by applicants for converting their vehicle fleets to operate on alternative fuels, and shall give preference in making loans to those applicants who are prepared to make substantial investments of their own funds in converting their vehicle fleets and who will work cooperatively with the state, other political subdivisions, and private entities in developing a fueling infrastructure capable of dispensing alternative fuels in this state.

4. The division may promulgate any rules necessary to carry out the provisions of sections 414.350 to 414.359. No rule or portion of a rule promulgated pursuant to sections 414.350 to 414.359 shall take effect unless it has been promulgated pursuant to chapter 536.]

[414.356. 1. Using the fund created in section 414.359, the division shall provide loans of:

(1) A maximum of two thousand dollars for the incremental cost of purchasing a new vehicle capable of operating on an alternative fuel;

(2) A maximum of two thousand dollars for the conversion of a new or existing vehicle designed to operate on gasoline to enable such vehicle to operate on an alternative fuel; and

(3) A maximum of one hundred thousand dollars for the construction of a fueling station capable of dispensing an alternative fuel.

2. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the purchase or conversion of alternative fuel vehicles in any one year.

3. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the construction of fueling stations in any one year.

4. The division shall establish the interest rate and terms of repayment for each loan agreement established pursuant to sections 414.350 to 414.359. In establishing the repayment schedule, the division shall consider the projected savings to the political subdivision resulting from use of an alternative fuel, but such repayment schedule shall be for a maximum repayment period of four years and shall include provisions for payments to be made on a monthly basis.

5. Any political subdivision that receives a loan pursuant to sections 414.350 to 414.359 shall:

(1) Remit payments on the repayment schedule established by the division;

(2) Agree to use the alternative fuel for which vehicles purchased with the aid of such loans were designed;

(3) Provide reasonable data requested by the division on the use and performance of vehicles purchased with the aid of such loans;

(4) Allow for reasonable inspections by the division of vehicles purchased and fueling stations constructed with the aid of such loans; and

(5) Make fueling stations constructed with the aid of such loans available for use at reasonable cost by the vehicle fleets of other political subdivisions and, with consideration of the capacity of such fueling stations, by the general public.]

[414.359. 1. There is hereby created in the state treasury the "Missouri Alternative Fuel Vehicle Loan Fund". The fund may receive moneys from appropriations by the general assembly, repayments by political subdivisions of loans made pursuant to sections 414.350 to 414.359 including interest on such loans, and gifts, bequests, donations or any other payments made by any public or private entity for use in carrying out the provisions of sections 414.350 to 414.359.

8                   2. The state treasurer shall deposit all of the moneys in the fund into any  
9 of the qualified depositories of this state. All such deposits shall be secured in  
10 such a manner and shall be made upon such terms and conditions as are now or  
11 may hereafter be provided by law relative to state deposits. Interest accrued by  
12 the fund shall be credited to the fund. Notwithstanding the provisions of section  
13 33.080 to the contrary, moneys in the fund shall not revert to the credit of the  
14 general revenue fund at the end of the biennium.

15                   3. The fund shall be used solely for the purposes of sections 414.350 to  
16 414.359 and for no other purpose.]

17  
18 EXPLANATION: THIS SECTION IS IDENTICAL TO SECTION 493.055 AND  
19 THEREFORE IS REDUNDANT:

                  [442.018. All public advertisements and orders of publication required  
2 by law to be made, including but not limited to amendments to the Missouri  
3 Constitution, legal publications affecting all sales of real estate under a power of  
4 sale contained in any mortgage or deed of trust, and other legal publications  
5 affecting the title to real estate, shall be published in a newspaper of general  
6 circulation, qualified under the provisions of section 493.050, and persons  
7 responsible for orders of publication described in sections 443.310 and 443.320  
8 shall be subject to the prohibitions in sections 493.130 and 493.140.]

9  
10 EXPLANATION: THE COUNCIL CREATED IN THIS SECTION DOES NOT EXIST:

                  [620.050. 1. There is hereby created, within the department of economic  
2 development, the "Entrepreneurial Development Council". The entrepreneurial  
3 development council shall consist of seven members from businesses located  
4 within the state and licensed attorneys with specialization in intellectual property  
5 matters. All members of the council shall be appointed by the governor with the  
6 advice and consent of the senate. The terms of membership shall be set by the  
7 department of economic development by rule as deemed necessary and  
8 reasonable. Once the department of economic development has set the terms of  
9 membership, such terms shall not be modified and shall apply to all subsequent  
10 members.

11                   2. The entrepreneurial development council shall, as provided by  
12 department rule, impose a registration fee sufficient to cover costs of the program  
13 for entrepreneurs of this state who desire to avail themselves of benefits,  
14 provided by the council, to registered entrepreneurs.

15                   3. There is hereby established in the state treasury, the "Entrepreneurial  
16 Development and Intellectual Property Right Protection Fund" to be held separate  
17 and apart from all other public moneys and funds of the state. The  
18 entrepreneurial development and intellectual property right protection fund may  
19 accept state and federal appropriations, grants, bequests, gifts, fees and awards  
20 to be held for use by the entrepreneurial development council. Notwithstanding

provisions of section 33.080 to the contrary, moneys remaining in the fund at the end of any biennium shall not revert to general revenue.

4. Upon notification of an alleged infringement of intellectual property rights of an entrepreneur, the entrepreneurial development council shall evaluate such allegations of infringement and may, based upon need, award grants or financial assistance to subsidize legal expenses incurred in instituting legal action necessary to remedy the alleged infringement. Pursuant to rules promulgated by the department, the entrepreneurial development council may allocate moneys from entrepreneurial development and intellectual property right protection fund, in the form of low-interest loans and grants, to registered entrepreneurs for the purpose of providing financial aid for product development, manufacturing, and advertising of new products.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.]

EXPLANATION: THIS SECTION IS OBSOLETE; THERE HAVE BEEN NO APPROPRIATIONS FROM THE FUND CREATED UNDER THIS SECTION SINCE ITS AUTHORIZATION IN 2008:

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

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

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

20 resources may appropriate any remaining moneys from the fund for the purpose  
21 of establishing substantially similar full professorships of energy efficiency and  
22 conservation at any public university within this state.

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

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