

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 3090**  
**103RD GENERAL ASSEMBLY**

6056H.02C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To repeal sections 8.900, 109.005, 191.905, 210.102, 253.092, 253.120, 261.275, 265.180, 348.409, and 700.041, RSMo, and to enact in lieu thereof eleven new sections relating to funds in the state treasury, with penalty provisions.

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

Section A. Sections 8.900, 109.005, 191.905, 210.102, 253.092, 253.120, 261.275, 265.180, 348.409, and 700.041, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 8.900, 33.082, 109.005, 191.905, 210.102, 253.092, 253.120, 261.275, 265.180, 348.409, and 700.041, to read as follows:

8.900. 1. A permanent memorial for workers who were killed on the job in Missouri or who suffered an on-the-job injury that resulted in a permanent disability shall be established and located on the grounds of the state capitol.

2. There is hereby established in the state treasury the "Workers Memorial Fund". Gifts, grants and devises may be deposited in the workers memorial fund. ~~[Notwithstanding the provisions of section 33.080, moneys in the fund shall not revert to general revenue.]~~ The state treasurer shall invest the moneys from the fund in the same manner as other state funds are invested. Interest accruing to the fund shall be deposited in the fund and shall not be transferred to the general revenue fund.

**33.082. The state treasurer shall, by no later than December thirty-first of each year, submit a report to the general assembly detailing each fund established in the state treasury from which a disbursement has not been made during the five year period ending on June thirtieth of such year, and whether or not any remaining moneys in such funds have been transferred to the general revenue fund pursuant to section 33.080.**

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.

109.005. 1. There is hereby established in the state treasury a special fund to be  
2 known as the "State Document Preservation Fund". The fund shall consist of all moneys  
3 received from gifts, bequests, or contributions for the specific purpose of preserving legal,  
4 historical and genealogical materials and making them available to the public.

5 2. The state treasurer shall invest moneys in the state document preservation fund in  
6 the same manner as surplus state funds are invested pursuant to section 30.260. All earnings  
7 which result from the investment of moneys in the state document preservation fund shall be  
8 credited to the fund.

9 ~~[3. Any unexpended balance in the state document preservation fund at the end of any~~  
10 ~~appropriation period shall not be transferred to the general revenue fund of the state treasury~~  
11 ~~and, accordingly, shall be exempt from the provisions of section 33.080 relating to the transfer~~  
12 ~~of funds to the general revenue fund of the state treasury.]~~

191.905. 1. No health care provider shall knowingly make or cause to be made a  
2 false statement or false representation of a material fact in order to receive a health care  
3 payment, including but not limited to:

4 (1) Knowingly presenting to a health care payer a claim for a health care payment that  
5 falsely represents that the health care for which the health care payment is claimed was  
6 medically necessary, if in fact it was not;

7 (2) Knowingly concealing the occurrence of any event affecting an initial or  
8 continued right under a medical assistance program to have a health care payment made by a  
9 health care payer for providing health care;

10 (3) Knowingly concealing or failing to disclose any information with the intent to  
11 obtain a health care payment to which the health care provider or any other health care  
12 provider is not entitled, or to obtain a health care payment in an amount greater than that  
13 which the health care provider or any other health care provider is entitled;

14 (4) Knowingly presenting a claim to a health care payer that falsely indicates that any  
15 particular health care was provided to a person or persons, if in fact health care of lesser value  
16 than that described in the claim was provided.

17 2. No person shall knowingly solicit or receive any remuneration, including any  
18 kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in  
19 return for:

20 (1) Referring another person to a health care provider for the furnishing or arranging  
21 for the furnishing of any health care; or

22 (2) Purchasing, leasing, ordering or arranging for or recommending purchasing,  
23 leasing or ordering any health care.

24 3. No person shall knowingly offer or pay any remuneration, including any kickback,  
25 bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to

26 induce such person to refer another person to a health care provider for the furnishing or  
27 arranging for the furnishing of any health care.

28         4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction  
29 in price obtained by a health care provider if the reduction in price is properly disclosed and  
30 appropriately reflected in the claim made by the health care provider to the health care payer,  
31 or any amount paid by an employer to an employee for employment in the provision of health  
32 care.

33         5. Exceptions to the provisions of subsections 2 and 3 of this section shall be provided  
34 for as authorized in 42 U.S.C. Section 1320a-7b(3)(E), as may be from time to time amended,  
35 and regulations promulgated pursuant thereto.

36         6. No person shall knowingly abuse a person receiving health care.

37         7. A person who violates subsections 1 to 3 of this section is guilty of a class D felony  
38 upon his or her first conviction, and shall be guilty of a class B felony upon his or her second  
39 and subsequent convictions. Any person who has been convicted of such violations shall be  
40 referred to the Office of Inspector General within the United States Department of Health and  
41 Human Services. The person so referred shall be subject to the penalties provided for under  
42 42 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7. A prior conviction shall be pleaded  
43 and proven as provided by section 558.021. A person who violates subsection 6 of this  
44 section shall be guilty of a class D felony, unless the act involves no physical, sexual or  
45 emotional harm or injury and the value of the property involved is less than five hundred  
46 dollars, in which event a violation of subsection 6 of this section is a class A misdemeanor.

47         8. Any natural person who willfully prevents, obstructs, misleads, delays, or attempts  
48 to prevent, obstruct, mislead, or delay the communication of information or records relating to  
49 a violation of sections 191.900 to 191.910 is guilty of a class E felony.

50         9. Each separate false statement or false representation of a material fact proscribed  
51 by subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall  
52 constitute a separate offense and a separate violation of this section, whether or not made at  
53 the same or different times, as part of the same or separate episodes, as part of the same  
54 scheme or course of conduct, or as part of the same claim.

55         10. In a prosecution pursuant to subsection 1 of this section, circumstantial evidence  
56 may be presented to demonstrate that a false statement or claim was knowingly made. Such  
57 evidence of knowledge may include but shall not be limited to the following:

58         (1) A claim for a health care payment submitted with the health care provider's actual,  
59 facsimile, stamped, typewritten or similar signature on the claim for health care payment;

60         (2) A claim for a health care payment submitted by means of computer billing tapes  
61 or other electronic means;

62 (3) A course of conduct involving other false claims submitted to this or any other  
63 health care payer.

64 11. Any person convicted of a violation of this section, in addition to any fines,  
65 penalties or sentences imposed by law, shall be required to make restitution to the federal and  
66 state governments, in an amount at least equal to that unlawfully paid to or by the person, and  
67 shall be required to reimburse the reasonable costs attributable to the investigation and  
68 prosecution pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and  
69 deposited to the credit of the "MO HealthNet Fraud Reimbursement Fund", which is hereby  
70 established in the state treasury. Moneys in the MO HealthNet fraud reimbursement fund  
71 shall be divided and appropriated to the federal government and affected state agencies in  
72 order to refund moneys falsely obtained from the federal and state governments. All of such  
73 cost reimbursements attributable to the investigation and prosecution shall be paid and  
74 deposited to the credit of the "MO HealthNet Fraud Prosecution Revolving Fund", which is  
75 hereby established in the state treasury. Moneys in the MO HealthNet fraud prosecution  
76 revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit  
77 attorney who has successfully prosecuted an action for a violation of sections 191.900 to  
78 191.910 and been awarded such costs of prosecution, in order to defray the costs of the  
79 attorney general and any such prosecuting or circuit attorney in connection with their duties  
80 provided by sections 191.900 to 191.910. No moneys shall be paid into the MO HealthNet  
81 fraud protection revolving fund pursuant to this subsection unless the attorney general or  
82 appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to  
83 this section, and the court finds in its discretion that payment of attorneys' fees and  
84 investigative costs is appropriate under all the circumstances, and the attorney general and  
85 prosecuting or circuit attorney shall prove to the court those expenses which were reasonable  
86 and necessary to the investigation and prosecution of such case, and the court approves such  
87 expenses as being reasonable and necessary. Any moneys remaining in the MO HealthNet  
88 fraud reimbursement fund after division and appropriation to the federal government and  
89 affected state agencies shall be used to increase MO HealthNet provider reimbursement until  
90 it is at least one hundred percent of the Medicare provider reimbursement rate for comparable  
91 services. ~~[The provisions of section 33.080 notwithstanding, moneys in the MO HealthNet  
92 fraud prosecution revolving fund shall not lapse at the end of the biennium.]~~

93 12. A person who violates subsections 1 to 3 of this section shall be liable for a civil  
94 penalty of not less than five thousand dollars and not more than ten thousand dollars for each  
95 separate act in violation of such subsections, plus three times the amount of damages which  
96 the state and federal government sustained because of the act of that person, except that the  
97 court may assess not more than two times the amount of damages which the state and federal  
98 government sustained because of the act of the person, if the court finds:

99 (1) The person committing the violation of this section furnished personnel employed  
100 by the attorney general and responsible for investigating violations of sections 191.900 to  
101 191.910 with all information known to such person about the violation within thirty days after  
102 the date on which the defendant first obtained the information;

103 (2) Such person fully cooperated with any government investigation of such  
104 violation; and

105 (3) At the time such person furnished the personnel of the attorney general with the  
106 information about the violation, no criminal prosecution, civil action, or administrative action  
107 had commenced with respect to such violation, and the person did not have actual knowledge  
108 of the existence of an investigation into such violation.

109 13. Upon conviction pursuant to this section, the prosecution authority shall provide  
110 written notification of the conviction to all regulatory or disciplinary agencies with authority  
111 over the conduct of the defendant health care provider.

112 14. The attorney general may bring a civil action against any person who shall receive  
113 a health care payment as a result of a false statement or false representation of a material fact  
114 made or caused to be made by that person. The person shall be liable for up to double the  
115 amount of all payments received by that person based upon the false statement or false  
116 representation of a material fact, and the reasonable costs attributable to the prosecution of the  
117 civil action. All such restitution shall be paid and deposited to the credit of the MO HealthNet  
118 fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to  
119 the credit of the MO HealthNet fraud prosecution revolving fund. No reimbursement of such  
120 costs attributable to the prosecution of the civil action shall be made or allowed except with  
121 the approval of the court having jurisdiction of the civil action. No civil action provided by  
122 this subsection shall be brought if restitution and civil penalties provided by subsections 11  
123 and 12 of this section have been previously ordered against the person for the same cause of  
124 action.

125 15. Any person who discovers a violation by himself or herself or such person's  
126 organization and who reports such information voluntarily before such information is public  
127 or known to the attorney general shall not be prosecuted for a criminal violation.

210.102. 1. There is hereby established within the department of elementary and  
2 secondary education the "Coordinating Board for Early Childhood", which shall constitute a  
3 body corporate and politic, and shall include, but not be limited to, the following members:

4 (1) A representative from the governor's office;

5 (2) A representative from each of the following departments: health and senior  
6 services, mental health, social services, and elementary and secondary education;

7 (3) A representative of the judiciary;

8 (4) A representative of the family and community trust board (FACT);

9 (5) A representative from the head start program; and

10 (6) Nine members appointed by the governor with the advice and consent of the  
11 senate who are representatives of the groups, such as business, philanthropy, civic groups,  
12 faith-based organizations, parent groups, advocacy organizations, early childhood service  
13 providers, and other stakeholders.

14

15 The coordinating board may make all rules it deems necessary to enable it to conduct its  
16 meetings, elect its officers, and set the terms and duties of its officers. The coordinating  
17 board shall elect from amongst its members a chairperson, vice chairperson, a secretary-  
18 reporter, and such other officers as it deems necessary. Members of the board shall serve  
19 without compensation but may be reimbursed for actual expenses necessary to the  
20 performance of their official duties for the board.

21 2. The coordinating board for early childhood shall have the power to:

22 (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early  
23 childhood system;

24 (2) Confer with public and private entities for the purpose of promoting and  
25 improving the development of children from birth through age five of this state;

26 (3) Identify legislative recommendations to improve services for children from birth  
27 through age five;

28 (4) Promote coordination of existing services and programs across public and private  
29 entities;

30 (5) Promote research-based approaches to services and ongoing program evaluation;

31 (6) Identify service gaps and advise public and private entities on methods to close  
32 such gaps;

33 (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the  
34 coordinating board for early childhood fund from any source, public or private, and enter into  
35 contracts or other transactions with any federal or state agency, any private organizations, or  
36 any other source in furtherance of the purpose of subsection 1 of this section and this  
37 subsection, and take any and all actions necessary to avail itself of such aid and cooperation;

38 (8) Direct disbursements from the coordinating board for early childhood fund as  
39 provided in this section;

40 (9) Administer the coordinating board for early childhood fund and invest any portion  
41 of the moneys not required for immediate disbursement in obligations of the United States or  
42 any agency or instrumentality of the United States, in obligations of the state of Missouri and  
43 its political subdivisions, in certificates of deposit and time deposits, or other obligations of  
44 banks and savings and loan associations, or in such other obligations as may be prescribed by  
45 the board;

46 (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or  
47 otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal  
48 property or any interests therein, wherever situated;

49 (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its  
50 property or any interest therein, wherever situated;

51 (12) Employ and fix the compensation of an executive director and such other agents  
52 or employees as it considers necessary;

53 (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the  
54 manner in which its business may be transacted;

55 (14) Adopt and use an official seal;

56 (15) Assess or charge fees as the board determines to be reasonable to carry out its  
57 purposes;

58 (16) Make all expenditures which are incident and necessary to carry out its purposes;

59 (17) Sue and be sued in its official name;

60 (18) Take such action, enter into such agreements, and exercise all functions  
61 necessary or appropriate to carry out the duties and purposes set forth in this section.

62 3. There is hereby created the "Coordinating Board for Early Childhood Fund" which  
63 shall consist of the following:

64 (1) Any moneys appropriated by the general assembly for use by the board in  
65 carrying out the powers set out in subsections 1 and 2 of this section;

66 (2) Any moneys received from grants or which are given, donated, or contributed to  
67 the fund from any source;

68 (3) Any moneys received as fees authorized under subsections 1 and 2 of this section;

69 (4) Any moneys received as interest on deposits or as income on approved  
70 investments of the fund;

71 (5) Any moneys obtained from any other available source.

72

73 ~~[Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in~~  
74 ~~the coordinating board for early childhood fund at the end of the biennium shall not revert to~~  
75 ~~the credit of the general revenue fund.]~~

253.092. 1. There is hereby created in the state treasury the "Arrow Rock State  
2 Historic Site Endowment Fund". The fund shall be administered by the Missouri department  
3 of natural resources. All moneys, funds, or other assets acquired for purposes of this section  
4 shall be deposited with the state treasurer to the credit of the fund. All income, interest,  
5 rights, or rent earned through the operation of the fund shall also be credited to the fund. All  
6 other property, real and personal, acquired through any grant, gift, donation, devise, or  
7 bequest specified for the Arrow Rock state historic site endowment fund for purposes stated

8 in this section shall also be deposited in the fund. The original bequest of Bill and Cora Lee  
9 Miller made in the amount of twenty-one thousand nine hundred sixty-five dollars and ninety-  
10 two cents to the state park earnings fund is hereby transferred into the Arrow Rock state  
11 historic site endowment fund.

12 2. The Arrow Rock state historic site endowment fund shall be used for the  
13 enhancement of Arrow Rock state historic site's public interpretive programs, and may be  
14 used by the Missouri department of natural resources for the preparation of museum exhibits,  
15 acquisition of artifacts, publication of information, payment of fees for exhibits or lectures, or  
16 other similar interpretive needs at Arrow Rock state historic site and for no other purpose.

17 3. The state treasurer shall be the custodian of all moneys, bonds, securities, or  
18 interests and rights therein deposited in the state treasury to the credit of the Arrow Rock state  
19 historic site endowment fund and shall invest the moneys in the fund in a manner as provided  
20 by law.

21 4. Until January 1, 2100, the Missouri department of natural resources may annually  
22 expend an amount equal to one-half of the interest earned by the Arrow Rock state historic  
23 site endowment fund in the immediately preceding fiscal year for the purposes stated in this  
24 section. Beginning January 1, 2100, and thereafter the Missouri department of natural  
25 resources may annually expend an amount equal to the interest earned by the Arrow Rock  
26 state historic site endowment fund in the immediately preceding fiscal year, for the purposes  
27 stated in this section.

28 5. Funds from the Arrow Rock state historic site endowment fund shall be expended  
29 only upon appropriation by the general assembly. ~~[Notwithstanding the provisions of section  
30 33.080 to the contrary, funds appropriated, but not expended by the end of the fiscal year,  
31 shall revert to the Arrow Rock state historic site endowment fund.]~~

253.120. 1. The endowment fund authorized by section 2, Laws of Missouri 1925,  
2 page 136, shall be maintained by the department of natural resources as a permanent  
3 endowment for the maintenance of the Confederate Memorial Park. The department of  
4 natural resources may accept gifts, donations, or bequests for the maintenance of the  
5 memorial park and for the endowment fund until the fund reaches the sum of seventy-five  
6 thousand dollars. The department of natural resources may sell, convey or otherwise convert  
7 into money any property received and shall invest all moneys of the endowment fund and use  
8 the income therefrom for the maintenance of the park, but the principal shall remain intact as  
9 a permanent endowment fund.

10 2. **Notwithstanding any provision of law to the contrary, any moneys remaining**  
11 **in the endowment fund as of June 30, 2027, shall be transferred to the general revenue**  
12 **fund pursuant to section 33.080.**

261.275. 1. There is hereby created in the state treasury the "Missouri Dairy Industry Revitalization Fund", which shall consist of moneys appropriated to the fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of the fund. Upon appropriation by the general assembly, moneys in the fund shall be used solely to enhance and improve Missouri's dairy and dairy processing industries in the manner provided for in sections 261.270 to 261.295. ~~[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. Moneys appropriated from the general revenue fund to the Missouri dairy industry revitalization fund shall not exceed forty percent of the estimated sales tax revenue generated in the state from the sale of dairy products during the preceding fiscal year, calculated under subsection 3 of this section, and shall be expended in the following order of priority:

- (1) First, to the dairy producer margin insurance premium assistance program created under section 261.280;
- (2) Second, to the Missouri dairy scholars program created under section 261.285;
- and
- (3) Third, to the commercial agriculture program created under section 261.290.

3. Each fiscal year the University of Missouri shall conduct research, or contract with an independent research company to conduct research, to determine the estimated sales tax revenue generated in the state from the sale of dairy products. The cost for such calculation shall be paid out of the Missouri dairy industry revitalization fund. The estimated sales tax revenue generated in the state from the sale of dairy products shall be provided to the department of agriculture by October first of each year.

265.180. 1. All moneys received by the director under the provisions of section 265.150 shall be paid to the state treasurer to be credited to the "Apple Merchandising Fund" which is hereby created.

2. All moneys credited to the apple merchandising fund shall be appropriated by the general assembly only for the purposes as herein set forth, to be used exclusively for the administration and enforcement of sections 265.130 to 265.210, including the collection of fees, the payment for personal services and expenses of employees and agents of the director, and the payment of rent, services, materials and supplies necessary to effectuate the purposes and object of sections 265.130 to 265.210.

~~[3. The unexpended balance in the apple merchandising fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and~~

12 accordingly shall be exempt from the provisions of section 33.080 relating to the transfer of  
13 funds to the ordinary revenue funds of the state by the state treasurer.]

348.409. 1. There is hereby established in the state treasury the "Agricultural Product  
2 Utilization and Business Development Loan Guarantee Fund". The fund shall consist of  
3 money appropriated to it by the general assembly, charges, gifts, grants, bequests from  
4 federal, private or other sources, and investment income on the fund. [~~Notwithstanding the  
5 provisions of section 33.080, no portion of the fund shall be transferred to the general revenue  
6 fund.~~]

7 2. All moneys received by the authority for payments made on previously defaulted  
8 guaranteed loans shall be paid promptly into the state treasury and deposited in the fund.

9 3. The fund shall be administered by the authority.

10 4. Beginning with fiscal year 1997-98, the general assembly may appropriate moneys  
11 not to exceed two and one-half million dollars for the establishment and initial funding of the  
12 fund.

13 5. Moneys in the fund, both unobligated and obligated as a reserve, which in the  
14 judgment of the authority are not currently needed for payments of defaults of guaranteed  
15 loans, may be invested by the state treasurer, and any income therefrom shall be deposited to  
16 the credit of the fund.

700.041. 1. There is hereby established a fund in the state treasury to be known as the  
2 "Manufactured Housing Consumer Recovery Fund" for the purpose of paying consumer  
3 claims under procedures the commission may promulgate by rule. The public service  
4 commission shall administer the manufactured housing consumer recovery fund and all  
5 moneys in the fund shall be used solely as prescribed in this section. Any interest earned  
6 from the investment of moneys in the fund shall be credited to the fund.

7 2. Claims approved by the commission under law may be paid from the fund subject  
8 to appropriation. No claims shall be considered by the commission until all other legal  
9 remedies have been exhausted. The commission shall establish an advisory committee to  
10 assist with the evaluation of all claims filed by consumers. The committee members shall be  
11 volunteers and serve without compensation.

12 [~~3. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the  
13 manufactured housing consumer recovery fund shall not be transferred to the credit of the  
14 general revenue fund at the end of the biennium; however, the total amount in the  
15 manufactured housing consumer recovery fund shall not exceed thirty-two percent of the  
16 amount of the annual appropriation of the manufactured housing fund from the preceding~~]

17 ~~fiscal year. Moneys in the manufactured housing consumer recovery fund may be transferred~~  
18 ~~back to the manufactured housing fund by appropriation.]~~

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