

SECOND REGULAR SESSION

HOUSE BILL NO. 3057

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VAN SCHOIACK.

6318H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 37.005, 50.333, 100.445, 104.610, 348.280, 476.015, and 631.020, RSMo, and section 288.330 as enacted by house bill no. 1075, ninety-fifth general assembly, first regular session, and to enact in lieu thereof six new sections relating to sections containing references to House bills or Senate bills.

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

Section A. Sections 37.005, 50.333, 100.445, 104.610, 348.280, 476.015, and
2 631.020, RSMo, and section 288.330 as enacted by house bill no. 1075, ninety-fifth general
3 assembly, first regular session, are repealed and six new sections enacted in lieu thereof, to be
4 known as sections 37.005, 50.333, 100.445, 104.610, 288.330, and 631.020, to read as
5 follows:

37.005. 1. [~~Except as provided herein, the office of administration shall be continued
2 as set forth in house bill 384, seventy-sixth general assembly and shall be considered as a
3 department within the meaning used in the Omnibus State Reorganization Act of 1974.~~] The
4 commissioner of administration shall appoint directors of all major divisions within the office
5 of administration.

6 2. The commissioner of administration shall be a member of the governmental
7 emergency fund committee as ex officio comptroller and the director of the department of
8 revenue shall be a member in place of the director of the division of facilities management,
9 design and construction.

10 3. The office of administration is designated the "Missouri State Agency for Surplus
11 Property" as required by Public Law 152, eighty-first Congress as amended, and related laws
12 for disposal of surplus federal property. All the powers, duties and functions vested by

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.

13 sections 37.075 and 37.080, and others, are transferred by type I transfer to the office of
14 administration as well as all property and personnel related to the duties. The commissioner
15 shall integrate the program of disposal of federal surplus property with the processes of
16 disposal of state surplus property to provide economical and improved service to state and
17 local agencies of government. The governor shall fix the amount of bond required by section
18 37.080. All employees transferred shall be covered by the provisions of chapter 36 and the
19 Omnibus State Reorganization Act of 1974.

20 4. The commissioner of administration shall replace the director of revenue as a
21 member of the board of fund commissioners and assume all duties and responsibilities
22 assigned to the director of revenue by sections 33.300 to 33.540 relating to duties as a
23 member of the board and matters relating to bonds and bond coupons.

24 5. All the powers, duties and functions of the administrative services section, section
25 33.580 and others, are transferred by a type I transfer to the office of administration and the
26 administrative services section is abolished.

27 6. The commissioner of administration shall, in addition to his or her other duties,
28 cause to be prepared a comprehensive plan of the state's field operations, buildings owned or
29 rented and the communications systems of state agencies. Such a plan shall place priority on
30 improved availability of services throughout the state, consolidation of space occupancy and
31 economy in operations.

32 7. The commissioner of administration shall from time to time examine the space
33 needs of the agencies of state government and space available and shall, with the approval of
34 the board of public buildings, assign and reassign space in property owned, leased or
35 otherwise controlled by the state. Any other law to the contrary notwithstanding, upon a
36 determination by the commissioner that all or part of any property is in excess of the needs of
37 any state agency, the commissioner may lease such property to a private or government entity.
38 Any revenue received from the lease of such property shall be deposited into the fund or
39 funds from which moneys for rent, operations or purchase have been appropriated. The
40 commissioner shall establish by rule the procedures for leasing excess property.

41 8. The commissioner of administration is hereby authorized to coordinate and control
42 the acquisition and use of network, telecommunications, and data processing services in the
43 executive branch of state government. For this purpose, the office of administration will have
44 authority to:

45 (1) Develop and implement a long-range computer facilities plan for the use of
46 network, telecommunications, and data processing services in Missouri state government.
47 Such plan may cover, but is not limited to, operational standards, standards for the
48 establishment, function and management of service centers, coordination of the data

49 processing education, and planning standards for application development and
50 implementation;

51 (2) Approve all additions and deletions of network, telecommunications, and data
52 processing services hardware, software, and support services, and service centers;

53 (3) Establish standards for the development of annual data processing application
54 plans for each of the service centers. These standards shall include review of post-
55 implementation audits. These annual plans shall be on file in the office of administration and
56 shall be the basis for equipment approval requests;

57 (4) Review of all state network, telecommunications, and data processing services
58 applications to assure conformance with the state information systems plan, and the
59 information systems plans of state agencies and service centers;

60 (5) Establish procurement procedures for network, telecommunications, and data
61 processing services hardware, software, and support service;

62 (6) Establish a charging system to be used by all service centers when performing
63 work for any agency;

64 (7) Establish procedures for the receipt of service center charges and payments for
65 operation of the service centers.

66

67 The commissioner shall maintain a complete inventory of all state-owned or -leased network,
68 telecommunications, and data processing services equipment, and annually submit a report to
69 the general assembly which shall include starting and ending network, telecommunications,
70 and data processing services costs for the fiscal year previously ended, and the reasons for
71 major increases or variances between starting and ending costs. The commissioner shall also
72 adopt, after public hearing, rules and regulations designed to protect the rights of privacy of
73 the citizens of this state and the confidentiality of information contained in computer tapes or
74 other storage devices to the maximum extent possible consistent with the efficient operation
75 of the office of administration and contracting state agencies.

76 9. Except as provided in subsection 12 of this section, the fee title to all real property
77 now owned or hereafter acquired by the state of Missouri, or any department, division,
78 commission, board or agency of state government, other than real property owned or
79 possessed by the state highways and transportation commission, conservation commission,
80 state department of natural resources, and the University of Missouri, shall on May 2, 1974,
81 vest in the governor. The governor may not convey or otherwise transfer the title to such real
82 property, unless such conveyance or transfer is first authorized by an act of the general
83 assembly. The provisions of this subsection requiring authorization of a conveyance or
84 transfer by an act of the general assembly shall not, however, apply to the granting or
85 conveyance of an easement for any purpose to any political subdivision of the state; a rural

86 electric cooperative as defined in chapter 394; a public utility, except a railroad, as defined in
87 chapter 386; or to accommodate utility service, including electrical, gas, steam, water, sewer,
88 telephone, internet, or similar utility service, extended upon or provided to state property or
89 facilities; to accommodate rights of access, ingress and egress on or to any state property or
90 facilities; or to facilitate the construction, location, relocation, or use of any common elements
91 of condominium property if the state is a unit owner within the condominium development.
92 The governor, with the approval of the board of public buildings, may, upon the request of
93 any state department, agency, board or commission not otherwise being empowered to make
94 its own transfer or conveyance of any land belonging to the state of Missouri which is under
95 the control and custody of such department, agency, board or commission, grant or convey
96 without further legislative action, for such consideration as may be agreed upon, easements
97 across, over, upon or under any such state land to any political subdivision of the state; a rural
98 electric cooperative as defined in chapter 394; a public utility, except a railroad, as defined in
99 chapter 386; or to accommodate utility service, including electrical, gas, steam, water, sewer,
100 telephone, internet, or similar utility service, extended upon or provided to state property or
101 facilities; to accommodate rights of access, ingress and egress on or to state property or
102 facilities; or to facilitate the construction, location, relocation, or use of any common elements
103 of condominium property if the state is a unit owner within the condominium development.
104 The easement shall be for the purpose of promoting the general health, welfare and safety of
105 the public and shall include the right of access, ingress or egress for the purpose of
106 constructing, maintaining or removing any street, roadway, sidewalk, public right-of-way or
107 thoroughfare, pipeline, power line, gas line, water or steam line, telephone line, internet cable,
108 sewer line, or other similar installation or any equipment or appurtenances necessary to the
109 operation thereof; except that, a railroad as defined in chapter 386 shall not be included in the
110 provisions of this subsection unless such conveyance or transfer is first authorized by an act
111 of the general assembly. The easement shall be for such consideration as may be agreed upon
112 by the parties and approved by the board of public buildings. The attorney general shall
113 approve the form of the instrument of conveyance. The commissioner of administration shall
114 prepare management plans for such properties in the manner set out in subsection 7 of this
115 section.

116 10. The commissioner of administration shall administer a revolving "Administrative
117 Trust Fund" which shall be established by the state treasurer which shall be funded annually
118 by appropriation and which shall contain moneys transferred or paid to the office of
119 administration in return for goods and services provided by the office of administration to any
120 governmental entity or to the public. The state treasurer shall be the custodian of the fund,
121 and shall approve disbursements from the fund for the purchase of goods or services at the
122 request of the commissioner of administration or the commissioner's designee. The

123 provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, unless and
124 then only to the extent to which the unencumbered balance at the close of any fiscal year
125 exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during
126 such fiscal year, and upon approval of the oversight division of the joint committee on
127 legislative research. The commissioner shall prepare an annual report of all receipts and
128 expenditures from the fund.

129 11. All the powers, duties and functions of the department of community affairs
130 relating to statewide planning are transferred by type I transfer to the office of administration.

131 12. The titles which are vested in the governor by or pursuant to this section to real
132 property assigned to any of the educational institutions referred to in section 174.020 on June
133 15, 1983, are hereby transferred to and vested in the board of regents of the respective
134 educational institutions, and the titles to real property and other interests therein hereafter
135 acquired by or for the use of any such educational institution, notwithstanding provisions of
136 this section, shall vest in the board of regents of the educational institution. The board of
137 regents may not convey or otherwise transfer the title to or other interest in such real property
138 unless the conveyance or transfer is first authorized by an act of the general assembly, except
139 as provided in section 174.042, and except that the board of regents may grant easements
140 over, in and under such real property without further legislative action.

141 13. Notwithstanding any provision of subsection 12 of this section to the contrary, the
142 board of governors of Missouri Western State University, University of Central Missouri,
143 Missouri State University, or Missouri Southern State University, or the board of regents of
144 Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe
145 State University, or the board of curators of Lincoln University may convey or otherwise
146 transfer for fair market value, except in fee simple, the title to or other interest in such real
147 property without authorization by an act of the general assembly.

148 14. All county sports complex authorities, and any sports complex authority located
149 in a city not within a county, in existence on August 13, 1986, and organized under the
150 provisions of sections 64.920 to 64.950, are assigned to the office of administration, but such
151 authorities shall not be subject to the provisions of subdivision (4) of subsection 6 of section 1
152 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

153 15. All powers, duties, and functions vested in the administrative hearing
154 commission, sections 621.015 to 621.205 and others, are transferred to the office of
155 administration by a type III transfer.

50.333. 1. There shall be a salary commission in every nonchartered county.

2 2. The clerk or court administrator of the circuit court of the judicial circuit in which
3 such county is located shall set a date, time and place for the salary commission meeting and
4 serve as temporary chairman of the salary commission until the members of the commission

5 elect a chairman from their number. Upon written request of a majority of the salary
6 commission members the clerk or court administrator of the circuit court shall forthwith set
7 the earliest date possible for a meeting of the salary commission. The circuit clerk or court
8 administrator shall give notice of the time and place of any meeting of the salary commission.
9 Such notice shall be published in a newspaper of general circulation in such county at least
10 five days prior to such meeting. Such notice shall contain a general description of the
11 business to be discussed at such meeting.

12 3. The members of the salary commission shall be:

13 (1) The recorder of deeds if the recorder's office is separate from that of the circuit
14 clerk;

15 (2) The county clerk;

16 (3) The prosecuting attorney;

17 (4) The sheriff;

18 (5) The county commissioners;

19 (6) The collector or treasurer ex officio collector;

20 (7) The treasurer or treasurer ex officio collector;

21 (8) The assessor;

22 (9) The auditor;

23 (10) The public administrator; and

24 (11) The coroner.

25

26 Members of the salary commission shall receive no additional compensation for their services
27 as members of the salary commission. A majority of members shall constitute a quorum.

28 4. Notwithstanding the provisions of sections 610.021 and 610.022, all meetings of a
29 county salary commission shall be open meetings and all votes taken at such meetings shall
30 be open records. Any vote taken at any meeting of the salary commission shall be taken by
31 recorded yeas and nays.

32 5. In every county, the salary commission shall meet at least once before November
33 thirtieth of each odd-numbered year and may meet in any even-numbered year. The salary
34 commission may meet as many times as it deems necessary and may meet after November
35 thirtieth and prior to December fifteenth of any odd-numbered year if the commission has met
36 at least once prior to November thirtieth of that year. At any meeting of the salary
37 commission, the members shall elect a chairman from their number. The county clerk shall
38 present a report on the financial condition of the county to the commission once the chairman
39 is elected, and shall keep the minutes of the meeting.

40 6. For purposes of this section, the 1988 base compensation is the compensation paid
41 on September 1, 1987, plus the same percentage increase paid or allowed, whichever is

42 greater, to the presiding commissioner or the sheriff, whichever is greater, of that county for
43 the year beginning January 1, 1988. Such increase shall be expressed as a percentage of the
44 difference between the maximum allowable compensation and the compensation paid on
45 September 1, 1987. At its meeting in 1987 and at any meeting held in 1988, the salary
46 commission shall determine the compensation to be paid to every county officer holding
47 office on January 1, 1988. The salary commission shall establish the compensation for each
48 office at an amount not greater than that set by law as the maximum compensation. If the
49 salary commission votes to increase compensation, but not to pay the maximum amount
50 authorized by law for any officer or office, then the increase in compensation shall be the
51 same percentage increase for all officers and offices and shall be expressed as a percentage of
52 the difference between the maximum allowable compensation and the compensation being
53 received at the time of the vote. If two-thirds of the members of the salary commission vote
54 to decrease the compensation being received at the time of the vote below that compensation,
55 all officers shall receive the same percentage decrease. The commission may vote not to
56 increase or decrease the compensation and that compensation shall continue to be the salary
57 of such offices and officers during the subsequent term of office.

58 7. For the year 1989 and every second year thereafter, the salary commission shall
59 meet in every county as many times as it deems necessary on or prior to November thirtieth of
60 any such year for the purpose of determining the amount of compensation to be paid to
61 county officials. For each year in which the commission meets, the members shall elect a
62 chairman from their number. The county clerk shall present a report on the financial
63 condition of the county to the commission once the chairman is elected, and shall keep
64 minutes of the meeting. The salary commission shall then consider the compensation to be
65 paid for the next term of office for each county officer to be elected at their next general
66 election. If the commission votes not to increase or decrease the compensation, the salary
67 being paid during the term in which the vote was taken shall continue as the salary of such
68 offices and officers during the subsequent term of office. If the salary commission votes to
69 increase the compensation, all officers or offices whose compensation is being considered by
70 the commission at that time shall receive the same percentage of the maximum allowable
71 compensation. However, for any county in which all offices' and officers' salaries have been
72 set at one hundred percent of the maximum allowable compensation, the commission may
73 vote to increase the compensation of all offices except that of full-time prosecuting attorneys
74 at that or any subsequent meeting of the salary commission without regard to any law or
75 maximum limitation established by law. Such increase shall be expressed as a percentage of
76 the compensation being paid during the term of office when the vote is taken, and each officer
77 or office whose compensation is being established by the salary commission at that time shall
78 receive the same percentage increase over the compensation being paid for that office during

79 the term when the vote is taken. This increase shall be in addition to any increase mandated
80 by an official's salary schedule because of changes in assessed valuation during the current
81 term. If the salary commission votes to decrease the compensation, a vote of two-thirds or
82 more of all the members of the salary commission shall be required before the salary or other
83 compensation of any county office shall be decreased below the compensation being paid for
84 the particular office on the date the salary commission votes, and all officers and offices shall
85 receive the same percentage decrease.

86 8. The salary commission shall issue, not later than December fifteenth of any year in
87 which it meets, a report of compensation to be paid to each officer and the compensation so
88 set shall be paid beginning with the start of the subsequent term of office of each officer. The
89 report of compensation shall be certified to the clerk of the county commission for the county
90 and shall be in substantially the following form:

91 The salary commission for _____ County hereby certifies that it has met pursuant to
92 law to establish compensation for county officers to be paid to such officers during the next
93 term of office for the officers affected. The salary commission reports that there shall be (no
94 increase in compensation) (an increase of _____percent) (a decrease of _____percent)
95 (county officer's salaries set at _____percent of the maximum allowable compensation).

96

97 Salaries shall be adjusted each year on the official's year of incumbency for any change in the
98 last completed assessment that would affect the maximum allowable compensation for that
99 office.

100 9. For the meeting in 1989 and every meeting thereafter, in the event a salary
101 commission in any county fails, neglects or refuses to meet as provided in this section, or in
102 the event a majority of the salary commission is unable to reach an agreement and so reports
103 or fails to certify a salary report to the clerk of the county commission by December fifteenth
104 of any year in which a report is required to be certified by this section, then the compensation
105 being paid to each affected office or officer on such date shall continue to be the
106 compensation paid to the affected office or officer during the succeeding term of office.

107 10. Other provisions of law notwithstanding, in every instance where an officer or
108 employee of any county is paid a mileage allowance or reimbursement, the county
109 commission shall allow or reimburse such officers or employees out of the county treasury at
110 the highest rate paid to any county officer for each mile actually and necessarily traveled in
111 the performance of their official duties. The county commission of any county may elect to
112 pay a mileage allowance for any county commissioner for travel going to and returning from
113 the place of holding commission meetings and for all other necessary travel on official county
114 business in the personal motor vehicle of the commissioner presenting the claim. The
115 governing body of any county of the first classification not having a charter form of

116 government may provide by order for the payment of mileage expenses of elected and
117 appointed county officials by payment of a certain amount monthly which would reflect the
118 average monthly mileage expenses of such officer based on the amount allowed pursuant to
119 state law for the payment of mileage for state employees. Any order entered for such purpose
120 shall not be construed as salary, wages or other compensation for services rendered.

121 11. The term "maximum allowable compensation" as used in this section means the
122 highest compensation which may be paid to the specified officer or office in the particular
123 county based on the salary schedule established by law for the specified officer or office. If
124 the salary commission at its meeting in 1987 voted for one hundred percent of the maximum
125 allowable compensation and does not change such vote at its meeting held within thirty days
126 after May 13, 1988, as provided in subsection 6 of this section, the one hundred percent shall
127 be calculated on the basis of the total allowable compensation permitted after May 13, 1988.

128 12. At the salary commission meeting which establishes the percentage rate to be
129 applied to county officers during the next term of office, the salary commission may authorize
130 the further adjustment of such officers' compensation as a cost-of-living component and
131 effective January first of each year, the compensation for county officers may be adjusted by
132 the county commission, and if the adjustment of compensation is authorized, the percentage
133 increase shall be the same for all county officers, not to exceed the percentage increase given
134 to the other county employees. The compensation for all county officers may be set as a
135 group, although the change in compensation will not become effective until the next term of
136 office for each officer.

137 ~~[13. At the salary commission meeting in 1997 which establishes the salaries for~~
138 ~~those officers to be elected at the general election in 1998, the salary commission of each~~
139 ~~noncharter county may provide salary increases for associate county commissioners elected in~~
140 ~~1996. This one-time increase is necessitated by the change from two- to four-year terms for~~
141 ~~associate commissioners pursuant to house bill 256, passed by the first regular session of the~~
142 ~~eighty-eighth general assembly in 1995.]~~

100.445. If the interest rates allowed under the provisions of this act are greater than
2 ~~[the interest rates allowed under the provisions of senate bill no. 554 of the second regular~~
3 ~~session of the eightieth general assembly] **fourteen percent**, then the interest rates allowed
4 under this act shall prevail ~~[over the interest rates set in senate bill no. 554].~~~~

104.610. 1. Any person, who is receiving or hereafter may receive state retirement
2 benefits from the Missouri state employees' retirement system other than a person with twelve
3 or more years of service in statewide state elective office receiving benefits pursuant to the
4 provisions of section 104.371, a legislators' retirement system, or the highways and
5 transportation employees' and highway patrol retirement system, upon application to the
6 board of trustees of the system from which he or she is receiving retirement benefits, shall be

7 made, constituted, appointed and employed by the board as a special consultant on the
8 problems of retirement, aging, and other state matters, for the remainder of the person's life,
9 and upon request of the board, or other state agencies where such person was employed prior
10 to retirement, give opinions, and be available to give opinions in writing, or orally, in
11 response to such requests, as may be required, and for such services shall be compensated
12 monthly, in an amount, which, when added to any monthly state retirement benefits received
13 on his or her retirement, shall be equal to the state retirement benefits the person would be
14 receiving currently if the person had benefitted from changes in the law effecting increases in
15 the rate in the formula for calculating benefits in his or her respective retirement system, for
16 his or her type of employment or for those persons having accrued thirty-five or more years of
17 creditable service, changes in the law pertaining to the age and service requirements for a
18 normal annuity in his or her respective retirement system, made subsequent to the date of his
19 or her retirement; except that in calculating such benefits the meaning of "average
20 compensation" shall be that ascribed to it by the law in effect on the date on which the
21 benefits pursuant to this section are calculated.

22 2. In lieu of any other benefits pursuant to the provisions of this section, any member
23 of the Missouri state employees' retirement system who has or may hereafter retire pursuant
24 to the provisions of section 104.371, pertaining to those members who have held statewide
25 state elective office for at least twelve years, may apply pursuant to this section to be
26 employed as a special consultant and for such services shall be compensated monthly, in an
27 amount, which, when added to any monthly state retirement benefits received initially on his
28 or her retirement, shall be equal to the state retirement benefits the person would be receiving
29 if the person had benefitted from [~~changes in the law affecting increases in~~] **the compensation**
30 **amounts** for statewide state elective offices[~~, pursuant to house substitute for senate bill no.~~
31 ~~528, second regular session of the eighty-second general assembly]~~ **contained in sections**
32 **21.140, 26.010, 27.010, 28.010, 29.010, and 30.010 that were in effect on January 1, 1987,**
33 any other provisions of the law to the contrary notwithstanding.

34 3. This compensation shall be consolidated with any other retirement benefits payable
35 to the person, and shall be funded as provided in section 104.436.

36 4. This compensation shall be treated as any other state retirement benefits payable by
37 the Missouri state employees' retirement system or the highways and transportation
38 employees' and highway patrol retirement system are treated and shall not be subject to
39 execution, garnishment, attachment, writ of sequestration, or any other process or claim
40 whatsoever, and shall be unassignable, anything to the contrary notwithstanding.

41 5. The employment provided for by this section shall in no way affect any person's
42 eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of
43 reducing retirement benefits, anything to the contrary notwithstanding.

44 6. In order to determine the total monthly state retirement compensation due each
45 retiree who is eligible for the additional amount provided for in subsection 1 of this section,
46 the following formula shall be used:

47 (1) The retiree's base monthly retirement compensation shall be determined by
48 dividing the sum of the retiree's annual normal annuity as of the effective date of any increase
49 in the rate in the formula for calculating benefits in his or her respective retirement system
50 plus any annual increases granted such retiree as a result of his or her being a consultant, by
51 twelve;

52 (2) The amount determined pursuant to subdivision (1) of this subsection shall be
53 increased by an amount equal to the base monthly retirement compensation calculated
54 pursuant to subdivision (1) of this subsection multiplied by the percentage increase in the rate
55 in the formula;

56 (3) The sum obtained from completing the calculations contained in subdivisions (1)
57 and (2) of this subsection shall be the retiree's new total monthly state retirement
58 compensation. Any retiree who is eligible for the benefit provided in subsection 1 of this
59 section whose benefit pursuant to subsection 1 of this section was not calculated in
60 accordance with the procedure provided in this subsection shall have his or her total monthly
61 retirement compensation for all months beginning on or after September 28, 1985,
62 recalculated in accordance with this subsection.

63 7. The provisions of this section are severable. If any provision of this section is
64 found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the
65 remaining provisions of this section are valid unless the court finds that such valid provisions,
66 standing alone, are incomplete and incapable of being executed in accordance with the
67 legislative intent.

68 8. Any person who terminates employment or retires prior to July 1, 2000, shall be
69 made, constituted, appointed and employed by the board as a special consultant on the
70 problems of retirement, aging, and other state matters, for the remainder of the person's life,
71 and upon request of the board, or other state agencies where such person was employed prior
72 to retirement, give opinions, and be available to give opinions in writing, or orally, in
73 response to such requests, as may be required, and for such services shall be eligible to elect
74 to receive a retirement annuity pursuant to the year 2000 plan as provided in this chapter.

75 9. Effective August 28, 2000, any person otherwise eligible for survivor benefits due
76 to the death of a member prior to retirement, who was married less than two years to the
77 member at the time of the member's death, shall, upon application to the board, be made,
78 constituted, appointed and employed by the board as a special consultant on the problems of
79 retirement, aging and other state matters. As a special consultant pursuant to the provisions of
80 this subsection, the person shall begin to receive a survivor benefit in a monthly amount equal

81 to what the system would have paid the person had the person been eligible for such survivor
82 benefit upon the death of the member. Such benefit shall commence the first of the month
83 following receipt by the system of an application from such person, but not earlier than
84 September 1, 2000. In no event shall any retroactive benefits be paid.

288.330. 1. Benefits shall be deemed to be due and payable only to the extent that
2 moneys are available to the credit of the unemployment compensation fund and neither the
3 state nor the division shall be liable for any amount in excess of such sums. The governor is
4 authorized to apply for an advance to the state unemployment fund and to accept the
5 responsibility for the repayment of such advance in order to secure to this state and its citizens
6 the advantages available under the provisions of federal law.

7 2. (1) The purpose of this subsection is to provide a method of providing funds for
8 the payment of unemployment benefits or maintaining an adequate fund balance in the
9 unemployment compensation fund, and as an alternative to borrowing or obtaining advances
10 from the federal unemployment trust fund or for refinancing those loans or advances.

11 (2) For the purposes of this subsection, "credit instrument" means any type of
12 borrowing obligation issued under this section, including any bonds, commercial line of
13 credit note, tax anticipation note or similar instrument.

14 (3) (a) There is hereby created for the purposes of implementing the provisions of
15 this subsection a body corporate and politic to be known as the "Board of Unemployment
16 Fund Financing". The powers of the board shall be vested in five board members who shall
17 be the governor, lieutenant governor, attorney general, director of the department of labor and
18 industrial relations, and the commissioner of administration. The board shall have all powers
19 necessary to effectuate its purposes including, without limitation, the power to provide a seal,
20 keep records of its proceedings, and provide for professional services. The governor shall
21 serve as chair, the lieutenant governor shall serve as vice chair, and the commissioner of
22 administration shall serve as secretary. Staff support for the board shall be provided by the
23 commissioner of administration.

24 (b) Notwithstanding the provisions of any other law to the contrary:

25 a. No officer or employee of this state shall be deemed to have forfeited or shall
26 forfeit his or her office or employment by reason of his or her acceptance of an appointment
27 as a board member or for his or her service to the board;

28 b. Board members shall receive no compensation for the performance of their duties
29 under this subsection, but each commissioner shall be reimbursed from the funds of the
30 commission for his or her actual and necessary expenses incurred in carrying out his or her
31 official duties under this subsection.

32 (c) In the event that any of the board members or officers of the board whose
33 signatures or facsimile signatures appear on any credit instrument shall cease to be board

34 members or officers before the delivery of such credit instrument, their signatures or facsimile
35 signatures shall be valid and sufficient for all purposes as if such board members or officers
36 had remained in office until delivery of such credit instrument.

37 (d) Neither the board members executing the credit instruments of the board nor any
38 other board members shall be subject to any personal liability or accountability by reason of
39 the issuance of the credit instruments.

40 (4) The board is authorized, by offering for public negotiated sale, to issue, sell, and
41 deliver credit instruments, bearing interest at a fixed or variable rate as shall be determined by
42 the board, which shall mature no later than ten years after issuance, in the name of the board
43 in an amount determined by the board. Such credit instruments may be issued, sold, and
44 delivered for the purposes set forth in subdivision (1) of this subsection. Such credit
45 instrument may only be issued upon the approval of a resolution authorizing such issuance by
46 a simple majority of the members of the board, with no other proceedings required.

47 (5) The board shall provide for the payment of the principal of the credit instruments,
48 any redemption premiums, the interest on the credit instruments, and the costs attributable to
49 the credit instruments being issued or outstanding as provided in this chapter. Unless the
50 board directs otherwise, the credit instrument shall be repaid in the same time frame and in
51 the same amounts as would be required for loans issued pursuant to 42 U.S.C. Section 1321;
52 however, in no case shall credit instruments be outstanding for more than ten years.

53 (6) The board may irrevocably pledge money received from the credit instrument and
54 financing agreement repayment surcharge under subsection 3 of section 288.128, and other
55 money legally available to it, which is deposited in an account authorized for credit
56 instrument repayment in the special employment security fund, provided that the general
57 assembly has first appropriated moneys received from such surcharge and other moneys
58 deposited in such account for the payment of credit instruments.

59 (7) Credit instruments issued under this section shall not constitute debts of this state
60 or of the board or any agency, political corporation, or political subdivision of this state and
61 are not a pledge of the faith and credit of this state, the board or of any of those governmental
62 entities and shall not constitute an indebtedness within the meaning of any constitutional or
63 statutory limitation upon the incurring of indebtedness. The credit instruments are payable
64 only from revenue provided for under this chapter. The credit instruments shall contain a
65 statement to the effect that:

66 (a) Neither the state nor the board nor any agency, political corporation, or political
67 subdivision of the state shall be obligated to pay the principal or interest on the credit
68 instruments except as provided by this section; and

69 (b) Neither the full faith and credit nor the taxing power of the state nor the board nor
70 any agency, political corporation, or political subdivision of the state is pledged to the
71 payment of the principal, premium, if any, or interest on the credit instruments.

72 (8) The board pledges and agrees with the owners of any credit instruments issued
73 under this section that the state will not limit or alter the rights vested in the board to fulfill the
74 terms of any agreements made with the owners or in any way impair the rights and remedies
75 of the owners until the credit instruments are fully discharged.

76 (9) The board may prescribe the form, details, and incidents of the credit instruments
77 and make such covenants that in its judgment are advisable or necessary to properly secure
78 the payment thereof. If such credit instruments shall be authenticated by the bank or trust
79 company acting as registrar for such by the manual signature of a duly authorized officer or
80 employee thereof, the duly authorized officers of the board executing and attesting such credit
81 instruments may all do so by facsimile signature provided such signatures have been duly
82 filed as provided in the uniform facsimile signature of public officials law, sections 105.273
83 to 105.278, when duly authorized by resolution of the board, and the provisions of section
84 108.175 shall not apply to such credit instruments. The board may provide for the flow of
85 funds and the establishment and maintenance of separate accounts within the special
86 employment security fund, including the interest and sinking account, the reserve account,
87 and other necessary accounts, and may make additional covenants with respect to the credit
88 instruments in the documents authorizing the issuance of credit instruments including
89 refunding credit instruments. The resolutions authorizing the issuance of credit instruments
90 may also prohibit the further issuance of credit instruments or other obligations payable from
91 appropriated moneys or may reserve the right to issue additional credit instruments to be
92 payable from appropriated moneys on a parity with or subordinate to the lien and pledge in
93 support of the credit instruments being issued and may contain other provisions and
94 covenants as determined by the board, provided that any terms, provisions or covenants
95 provided in any resolution of the board shall not be inconsistent with the provisions of this
96 section.

97 (10) The board may issue credit instruments to refund all or any part of the
98 outstanding credit instruments issued under this section including matured but unpaid interest.
99 As with other credit instruments issued under this section, such refunding credit instruments
100 may bear interest at a fixed or variable rate as determined by the board.

101 (11) The credit instruments issued by the board, any transaction relating to the credit
102 instruments, and profits made from the sale of the credit instruments are free from taxation by
103 the state or by any municipality, court, special district, or other political subdivision of the
104 state.

105 (12) As determined necessary by the board the proceeds of the credit instruments less
106 the cost of issuance shall be placed in the state's unemployment compensation fund and may
107 be used for the purposes for which that fund may otherwise be used. If those net proceeds are
108 not placed immediately in the unemployment compensation fund they shall be held in the
109 special employment security fund in an account designated for that purpose until they are
110 transferred to the unemployment compensation fund provided that the proceeds of refunding
111 credit instruments may be placed in an escrow account or such other account or instrument as
112 determined necessary by the board.

113 (13) The board may enter into any contract or agreement deemed necessary or
114 desirable to effectuate cost-effective financing hereunder. Such agreements may include
115 credit enhancement, credit support, or interest rate agreements including, but not limited to,
116 arrangements such as municipal bond insurance; surety bonds; tax anticipation notes;
117 liquidity facilities; forward agreements; tender agreements; remarketing agreements; option
118 agreements; interest rate swap, exchange, cap, lock or floor agreements; letters of credit; and
119 purchase agreements. Any fees or costs associated with such agreements shall be deemed
120 administrative expenses for the purposes of calculating the credit instrument and financing
121 agreement repayment surcharge under subsection 3 of section 288.128. The board, with
122 consideration of all other costs being equal, shall give preference to Missouri-headquartered
123 financial institutions, or those out-of-state-based financial institutions with at least one
124 hundred Missouri employees.

125 (14) To the extent this section conflicts with other laws the provisions of this section
126 prevail. This section shall not be subject to the provisions of sections 23.250 to 23.298.

127 (15) If the United States Secretary of Labor holds that a provision of this subsection
128 or of any provision related to the levy or use of the credit instrument and financial agreement
129 repayment surcharge does not conform with a federal statute or would result in the loss to the
130 state of any federal funds otherwise available to it the board, in cooperation with the
131 department of labor and industrial relations, may administer this subsection, and other
132 provisions related to the credit instrument and financial agreement repayment surcharge, to
133 conform with the federal statute until the general assembly meets in its next regular session
134 and has an opportunity to amend this subsection or other sections, as applicable.

135 (16) Nothing in this chapter shall be construed to prohibit the officials of the state
136 from borrowing from the government of the United States in order to pay unemployment
137 benefits under subsection 1 of this section or otherwise.

138 (17) (a) As used in this subdivision the term "lender" means any state or national
139 bank.

140 (b) The board is authorized to enter financial agreements with any lender for the
141 purposes set forth in subdivision (1) of this subsection, or to refinance other financial

142 agreements in whole or in part, upon the approval of the simple majority of the members of
143 the board of a resolution authorizing such financial agreements, with no other proceedings
144 required. In no instance shall the outstanding obligation under any financial agreement
145 continue for more than ten years. Repayment of obligations to lenders shall be made from the
146 special employment security fund, section 288.310, subject to appropriation by the general
147 assembly.

148 (c) Financial agreements entered into under this subdivision shall not constitute debts
149 of this state or of the board or any agency, political corporation, or political subdivision of this
150 state and are not a pledge of the faith and credit of this state, the board or of any of those
151 governmental entities and shall not constitute an indebtedness within the meaning of any
152 constitutional or statutory limitation upon the incurring of indebtedness. The financial
153 agreements are payable only from revenue provided for under this chapter. The financial
154 agreements shall contain a statement to the effect that:

155 a. Neither the state nor the board nor any agency, political corporation, or political
156 subdivision of the state shall be obligated to pay the principal or interest on the financial
157 agreements except as provided by this section; and

158 b. Neither the full faith and credit nor the taxing power of the state nor the board nor
159 any agency, political corporation, or political subdivision of the state is pledged to the
160 payment of the principal, premium, if any, or interest on the financial agreements.

161 (d) Neither the board members executing the financial agreements nor any other
162 board members shall be subject to any personal liability or accountability by reason of the
163 execution of such financial agreements.

164 (e) The board may prescribe the form, details and incidents of the financing
165 agreements and make such covenants that in its judgment are advisable or necessary to
166 properly secure the payment thereof provided that any terms, provisions or covenants
167 provided in any such financing agreement shall not be inconsistent with the provisions of this
168 section. If such financing agreements shall be authenticated by the bank or trust company
169 acting as registrar for such by the manual signature of a duly authorized officer or employee
170 thereof, the duly authorized officers of the board executing and attesting such financing
171 agreements may all do so by facsimile signature provided such signatures have been duly
172 filed as provided in the uniform facsimile signature of public officials law, sections 105.273
173 to 105.278, when duly authorized by resolution of the board and the provisions of section
174 108.175 shall not apply to such financing agreements.

175 (18) The commission may issue credit instruments to refund all or any part of the
176 outstanding borrowing issued under this section including matured but unpaid interest.

177 (19) The credit instruments issued by the commission, any transaction relating to the
178 credit instruments, and profits made from the issuance of credit are free from taxation by the
179 state or by any municipality, court, special district, or other political subdivision of the state.

180 3. In event of the suspension of this law, any unobligated funds in the unemployment
181 compensation fund, and returned by the United States Treasurer because such Federal Social
182 Security Act is inoperative, shall be held in custody by the treasurer and under supervision of
183 the division until the legislature shall provide for the disposition thereof. In event no
184 disposition is made by the legislature at the next regular meeting subsequent to suspension of
185 said law, then all unobligated funds shall be returned ratably to those who contributed thereto.

186 ~~[4. For purposes of this section, as contained in senate substitute no. 2 for senate~~
187 ~~committee substitute for house substitute for house committee substitute for house bill nos.~~
188 ~~1268 and 1211, ninety-second general assembly, second regular session, the revisor of~~
189 ~~statutes shall renumber subdivision (16) of subsection 2 of such section as subdivision (17) of~~
190 ~~such subsection and renumber subdivision (17) of subsection 2 of such section as subdivision~~
191 ~~(16) of such subsection.]~~

631.020. 1. The Missouri advisory council on alcohol and drug abuse~~], created by~~
2 ~~sections 1 to 8 of house bill no. 1087 of the seventy-sixth general assembly, second regular~~
3 ~~session,]~~ shall act as an advisory body to the division and the division director. The council
4 shall be comprised of up to twenty-five members, the number to be determined under the
5 council bylaws.

6 2. The director shall appoint the members of the council. The members shall serve for
7 overlapping terms of three years each. The members of the existing council appointed under
8 the provisions of the reorganization act of 1974, section 9, appendix B, RSMo, shall serve the
9 remainder of their appointed terms. At the expiration of the term of each member, the
10 director shall appoint an individual who shall hold office for a term of three years. Each
11 member shall hold office until his successor has been appointed. At least one-half of the
12 members shall be consumers and one member shall represent veterans and military affairs.
13 Members shall have professional, research or personal interest in alcohol and drug abuse. No
14 more than one-fourth of the members shall be vendors, or members of boards of directors,
15 employees or officers of vendors, or any of their spouses, if such vendors receive more than
16 fifteen hundred dollars under contract with the department; except that members of boards of
17 directors of not-for-profit corporations shall not be considered members of board of directors
18 of vendors under this subsection.

19 3. A vacancy occurring on the council shall be filled by appointment of the director.

20 4. Meetings shall be held at the call of the division director or the council chairman,
21 who shall be elected by the council.

22 5. Each member shall be reimbursed for reasonable and necessary expenses,
23 including travel expenses pursuant to the travel regulations for employees of the department,
24 actually incurred in the performance of his official duties.

25 6. The council may be divided into subcouncils in accordance with its bylaws. The
26 council shall study, plan and make recommendations on the prevention, treatment and
27 rehabilitation for persons affected by alcohol and drug abuse.

28 7. No member of a state advisory council may participate in or seek to influence a
29 decision or vote of the council if the member would be directly involved with the matter or if
30 he would derive income from it. A violation of the prohibition contained herein shall be
31 grounds for a person to be removed as a member of the council by the director.

32 8. The council shall collaborate with the department in developing and administering
33 a state plan on alcohol or drug abuse. The council shall be advisory and shall do the
34 following:

35 (1) Promote meetings and programs for the discussion of reducing the debilitating
36 effects of alcohol or drug abuse and disseminate information in cooperation with any other
37 department, agency or entity on the prevention, evaluation, care, treatment and rehabilitation
38 for persons affected by alcohol or drug abuse;

39 (2) Study and review current prevention, evaluation, care, treatment and rehabilitation
40 technologies and recommend appropriate preparation, training, retraining and distribution of
41 manpower and its resources in the provision of services to persons affected by alcohol or drug
42 abuse through private and public residential facilities, day programs and other specialized
43 services;

44 (3) Recommend what specific methods, means and procedures should be adopted to
45 improve and upgrade the alcohol and drug abuse service delivery system for citizens of this
46 state;

47 (4) Participate in developing and disseminating criteria and standards to qualify
48 alcohol and drug abuse residential facilities, day programs and other specialized services in
49 this state for funding by the department.

2 ~~[348.280. This act relating to science and innovation shall not become~~
3 ~~effective except upon the passage and approval by signature of the governor~~
4 ~~only of senate bill no. 8 relating to taxation and enacted during the first~~
5 ~~extraordinary session of first regular session of the ninety-sixth general~~
 ~~assembly.]~~

2 ~~[476.015. House Bill 1634 of the 2nd regular session of the 79th~~
3 ~~general assembly shall be known and may be cited as the "Court Reform and~~
 ~~Revision Act of 1978".]~~